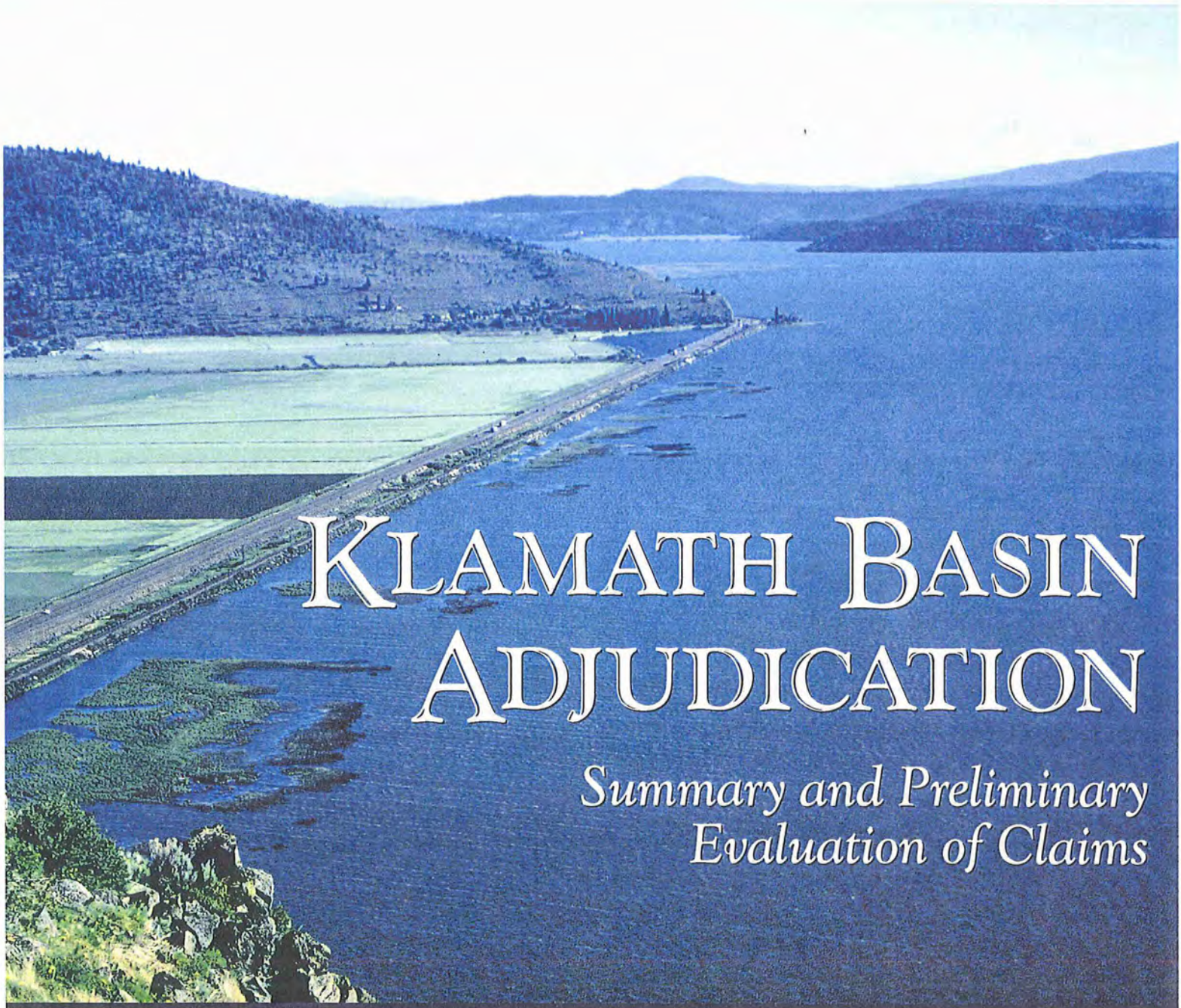

KLAMATH BASIN ADJUDICATION

Summary and Preliminary Evaluation of Claims

Prepared by the Oregon Water Resources Department — October 1999

KBA_APP_133905

TRANSMITTAL LETTER

KBA_APP_133906

Oregon
John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 4, 1999

Claimants and Interested Parties
Klamath Basin General Stream Adjudication

It is my privilege to present the Oregon Water Resources Department's **Summary and Preliminary Evaluation of Claims** and **Klamath Basin Supplement** for the Klamath Basin General Stream Adjudication.

The Summary represents many years of analysis of claims, water use, diversions and delivery systems.

The Summary was developed around three general principle goals: 1) To quantify the in-stream amount and use of surface water relative to each claimed right; 2) To establish a priority date for each approved claim, and; 3) Accomplish goals 1 and 2 within the context of existing law as interpreted by the State of Oregon. These goals are addressed within the context of OAR 690-28-070.

We believe the Summary is not the end product of several years work but, rather, the beginning of a meaningful dialogue and process that will result in the clarification of the relative rights of the uses of water within the Klamath Basin.

It should be noted again, that this Summary contains a **preliminary** evaluation of claims. In many cases supplemental claim information was received from claimants after evaluation of the claim was completed and was, therefore, not considered in the analysis. In other cases, insufficient information was available to the Department to allow for recommended approval of the claim. However, additional information which may be provided to the Department prior to the Department submitting its Findings of Fact and Order of Determination to the Klamath County Circuit Court will be considered and the preliminary evaluation may be amended.

Claimants are encouraged to follow the progress of the adjudication closely. Should a claimant disagree with the conclusions of the Adjudicator, the claimant is encouraged to meet with staff and discuss the claim in detail. If the claimant can provide additional information that would impact the preliminary evaluation of the Adjudicator, he or she is encouraged to do so. In any case where the claimant believes the conclusions of the Adjudicator are incorrect, the claimant should file a contest to preserve his or her rights to pursue an alternative conclusion.

Respectfully Submitted.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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SECTION I
WALTON CLAIMS

KBA_APP_133910

HARDY MYERS
Attorney General

DAVID SCHUMAN
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: September 14, 1999

TO: Richard Bailey, Adjudicator
Water Resources Department

FROM: Walter Perry, Assistant Attorney General
Natural Resources Section

Meg Reeves, Assistant Attorney General
Natural Resources Section

SUBJECT: Klamath Adjudication / *Walton* Claims - Legal Overview

A number of claimants to water rights in the Klamath Basin Adjudication have made claims as non-Indian successors to Klamath Indian allottees, claiming an amount of water sufficient to irrigate the allotment's share of the Tribe's "practicably irrigable acreage" (PIA), with a priority date of October 14, 1864 (the Treaty date). You have asked us to provide a brief statement of the law applicable to such "*Walton* claims."[1] We conclude that four elements are necessary to constitute a valid claim: 1) The water use must be on former Klamath Indian Reservation land; 2) The water use must be on land that was transferred from Indian ownership; 3) The claim is limited to the amount of water actually developed at the time of transfer from Indian ownership; except that 4) The claim may also include the amount of the Indian allottee's inchoate portion of the PIA right that the *Walton* claimant has developed with due diligence since the transfer from Indian ownership.

Element #1

When the United States reserves land for particular purposes, it implicitly reserves sufficient water to accomplish those purposes.[2] In quantifying the "*Winters* right"

[1] The name derives from the seminal case defining such rights: *Colville Confederate Tribes v. Walton*, 647 F2d 42, 51 (9th Cir. 1981).

[2] *Winters v. United States*, 207 US 564 (1908).

1162 Court Street NE, Salem, OR 97310 Telephone: (503) 378-4409 Fax: (503) 378-3802 TTY: (503) 378-5938

implied by an Indian reservation created by treaty, the United States Supreme Court has held that: "(E)nough water (is) reserved to irrigate all the practicably irrigable acreage [PIA] *on the reservations*."[3]

The "PIA rights" held by Klamath Indian allottees, claimed by non-Indian successors to those allotments as "*Walton* rights," are the rights to water sufficient to fulfill the Treaty purposes of promoting the adoption of an agricultural lifestyle by the Klamath Tribe within the Reservation boundaries.[4] Such rights are therefore confined to former Reservation land and carry a priority date defined by the Treaty.

Elements #2, #3, and #4

Elements 2, 3, and 4 are derived from the seminal case of *Colville Confederate Tribes v. Walton*, 647 F2d 42 (9th Cir. 1981) (*Walton* II). Element #2 is derived from the *Walton* court's holding that "(t)he full quantity of water available to the Indian allottee ... may be conveyed to the non-Indian purchaser."[5] Therefore, title must be traced to an Indian allottee.

The *Walton* court went on to place the following limitations on the transfer, reflected in elements #3 and #4:

> The non-Indian successor acquires a right to water *being appropriated* by the Indian allottee *at the time title passes*. The non-Indian also acquires a right, with a date-of-reservation priority date, to water that he or she appropriates with *reasonable diligence after the passage of title*. If the full measure of the Indian's reserved water right is not acquired by this means and maintained by continued use, it is lost to the non-Indian successor.[6]

The Ninth Circuit expressly applied the *Walton* analysis to non-Indian successors to Klamath Indian allottees in *United States v. Adair*, 723 F2d 1394, 1417 (9th Cir. 1983).

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[3] *Arizona v. California*, 373 US 546, 601 (1963) (emphasis added).

[4] The Treaty with the Klamath Indians of October 14, 1864, states in part: "(T)he design of the expenditure [in payment for the country ceded by this treaty] ... (is) to promote the well-being of the Indians, advance them in civilization, and *especially in agriculture*, and to secure their moral improvement and education." 16 Stat. 707, 708, Art. II (emphasis added).

[5] *Colville Confederate Tribes v. Walton*, 647 F2d 42, 51 (9th Cir. 1981).

[6] *Id.* (emphasis added).

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **3**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

Mabel A Schumacher

The general location of the claimed use is Township 29 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 13, 1990.

3. The claim is for a total of 0.19 cubic feet per second from two points of diversion located on Cole Creek and Three Creek, tributaries to Williamson River, for livestock and domestic use.

4. The claimed period of use for livestock is May 1 to January 1. The claimed period of use for domestic use is year round.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. However, the Department's Field Inspection Report indicates that the source of water claimed as Cole Creek is actually an unnamed spring, tributary to Cole Creek. Because the spring is immediately adjacent to or in the bed of Cole Creek, they are considered to be the same source.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31
   For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

9. For point of diversion #1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 15, Township 29 South, Range 9 East, W.M.

   SOURCE: an unnamed spring, tributary to Cole Creek

   USE: domestic

      AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

      PERIOD OF USE: January 1 - December 31

      PRIORITY DATE: October 14, 1864

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6000 gallons per day, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

For point of diversion #2, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 28, Township 29 South, Range 9 East, W.M.

SOURCE: Three Creek, tributary to Williamson River

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6000 gallons per day, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ LIVESTOCK
SECTION 28
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian, who sold the property to the claimant's father.

c. The claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet from natural overflow from Williamson River, tributary to Upper Klamath Lake, for irrigation of 134.0 acres, stockwater, and wildlife habitat.

4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

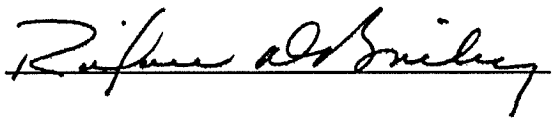
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **5**
Walton claim

Current Claimant(s) of Record:

Charlotte M. Mathis,
Surviving Joint Trustee
Mathis Family Trust UTA 8/11/87
PO Box 325
Hornitos CA 95325

Original Claimant(s):

Charlotte M. Mathis,
Surviving Joint Trustee
Mathis Family Trust UTA 8/11/87

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 19.82 cubic feet per second from eight points of diversion located on an unnamed stream (Lenz Creek) tributary to Big Springs Creek, and Big Springs Creek, tributary to Williamson River, for irrigation of 1840.6 acres and livestock.

4. The claimed period of use is the middle of April to the middle of September.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/year SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

LIVESTOCK

POINT OF DIVERSION LOCATIONS:

unnamed stream (Lenz Creek): SW ¼ SE ¼, Section 15, Township 30 South, Range 8 East, W.M.

Big Springs Creek: NW ¼ SE ¼, Section 22, Township 30 South, Range 8 East, W.M.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE: See below.

IRRIGATION

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 15, Township 30 South, Range 8 East, W.M.

SOURCE: an unnamed stream (Lenz Creek) tributary to Big Springs Creek

USE: irrigation of 253.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 6.34 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼	22.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	20.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	26.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	24.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	6.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: NW ¼ SE ¼, Section 22, Township 30 South, Range 8 East, W.M.

SOURCE: Big Springs Creek, tributary to Williamson River

USE: irrigation of 1622.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 46.9 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	27.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	23.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	5.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	33.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	36.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	29.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 24

TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 25

TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 26

TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	13.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	1.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 27

TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

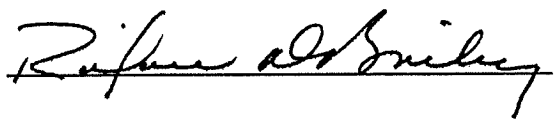
b. The land appurtenant to the claim was formerly owned by Klamath Indians.

c. Water for the claimed use was fully developed either by the last Indian owner of the property, or very shortly after it was purchased by J. P. McAuliffe, the first non-Indian owner, in the late 1950's.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **8**
Walton claim

Current Claimant(s) of Record:

Bruce Emery
Royal Crown Cattle Co.
PO Box 57
Silver Lake OR 97638

Original Claimant(s):

Bruce Emery
Royal Crown Cattle Co.

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 1.0 cubic feet per second from three points of diversion located on springs tributary to Williamson River for livestock.

4. The claimed period of use is March through September.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.

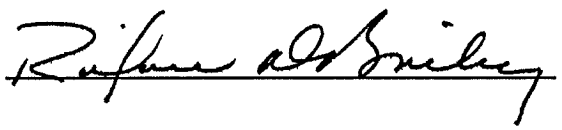
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **9**
Walton claim

Current Claimant(s) of Record:

Boyd P Braren
Boyd P Braren Trust
PO Box 158
Macdoel CA 96058

Ken Hufford
2804 Crosby Ave Box 132
Klamath Falls OR 97603

Original Claimant(s):

Boyd P Braren
Boyd P Braren Trust

The general location of the claimed use is Township 30 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 59.3 cubic feet per second from five points of diversion located on Williamson River, tributary to Upper Klamath Lake, and Jack Creek and Long Prairie Creek, tributaries of Williamson River, for irrigation of 2333.8 acres and livestock.

4. The claimed period of use is February through October.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 11, Township 30 South, Range 10 East, W.M.

SOURCE: Long Prairie Creek, tributary to Williamson River

USE: irrigation of 173.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.32 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	17.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	11.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	32.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NW ¼ NW ¼	10.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	35.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	34.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 11
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATIONS:

Jack Creek: SW ¼ NE ¼, Section 9, Township 30 South, Range 10 East, W.M.

Long Prairie Creek: NW ¼ NW ¼, Section 11, Township 30 South, Range 10 East, W.M.

Williamson River: SE ¼ NW ¼, Section 11, Township 30 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake, and Jack Creek and Long Prairie Creek, tributaries of Williamson River; sources are commingled

USE: irrigation of 658.6 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 16.47 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	34.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	37.8	ACRES IRRIGATION AND LIVESTOCK

SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	25.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	10.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NE ¼	28.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	7.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	26.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	23.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	33.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	39.3	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 9, Township 30 South, Range 10 East, W.M.

SOURCE: Jack Creek tributary to Williamson River

USE: irrigation of 181.6 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.54 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 14.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 14.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ SW ¼ 30.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 12.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 34.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 31.2 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 14.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 13.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 12.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 3.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 17
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 16, Township 30 South, Range 10 East, W.M. (south)

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 931.3 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 23.28 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼	12.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	24.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	27.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	10.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	31.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ SE ¼	22.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	24.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	32.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 19
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 28.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 20
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 7.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 24.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 21
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 16, Township 30 South, Range 10 East, W.M. (north)

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 389.4 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 9.74 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ 20.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 34.3 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 3.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NW ¼ NW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 34.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.4 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK

NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	35.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	32.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	33.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	20.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. Water for the claimed use was used by the last Indian owner of the property.

    d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **10**
Walton claim

Current Claimant(s) of Record:

Ken Hufford
Leslie Hufford
2804 Crosby Ave Box 132
Klamath Falls OR 97603

Original Claimant(s):

Jess Francis
Ida Givan

The general location of the claimed use is Township 30 South, Ranges 10 and 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.

3. The claim is for a total of 22.24 cubic feet per second from two points of diversion located on Jackson Creek and an unnamed creek, tributaries to Williamson River, and Williamson River, tributary to Upper Klamath Lake for irrigation of 889.4 acres and livestock.

4. The claimed period of use is April 1 through November 30.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection relating to water use permits 28171 and 28003 which found the irrigation use as claimed; the Department also performed a field inspection on August 28, 1979 which found the livestock use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 18, Township 30 South, Range 11 East, W.M.

SOURCE: Jackson Creek and an unnamed stream, commingled tributaries to Williamson River for irrigation; Jackson Creek and an unnamed creek, tributaries to Williamson River, and Williamson River, tributary to Upper Klamath Lake for livestock

USE: irrigation of 889.4 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 22.24 cubic feet per second, being 20.02 cfs from Jackson Creek and 2.22 cfs from an unnamed stream, measured at the point of diversion

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 9600 gallons per day for 600 pair; stock drink directly from all sources and ditches

PERIOD OF USE: April 1 - November 30

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	38.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	12.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	38.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	8.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 11
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	30.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	35.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	38.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	21.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	30.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	14.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	33.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼	37.8	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼	39.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	24.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 30 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 14, Township 30 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: supplemental irrigation of 274.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 6.87 cubic feet per second, measured at the points of diversion

PERIOD OF USE: April 1 - November 30

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 30.3 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 39.0 ACRES IRRIGATION
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 39.0 ACRES IRRIGATION
NW ¼ NW ¼ 39.4 ACRES IRRIGATION
SW ¼ NW ¼ 14.0 ACRES IRRIGATION
SE ¼ NW ¼ 33.0 ACRES IRRIGATION
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **11**
Walton claim

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

The general location of the claimed use is Township 30 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet from natural overflow from Williamson River, tributary to Upper Klamath Lake, for irrigation of 40.0 acres, stockwater, and wildlife habitat.

4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

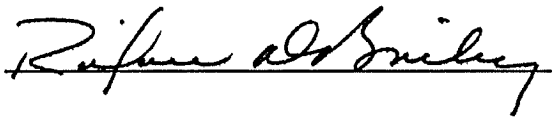
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **12**
Walton claim

Current Claimant(s) of Record:

Wallace Watkins
G BAR W Land & Cattle Co.
1059 Crews Rd
Medford OR 97501

Original Claimant(s):

Diane Taylor
Dennis Ranch

The general location of the claimed use is Township 30 South, Ranges 10 and 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 19, 1990.

3. The claim is for a total of 17.9 cubic feet per second from various points of diversion located on Williamson River, tributary to Klamath River, and Irving Creek and Jackson Creek, tributaries to Williamson River, for irrigation of 1035.2 acres and livestock.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ SW ¼, Section 24, Township 30 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 0.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK
SECTION 24
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 24, Township 30 South, Range 11 East, W.M.

SOURCE: Irving Creek, tributary to Williamson River

USE: irrigation of 143.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.58 cubic foot per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	28.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 24
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

LOT 2 SW ¼ NW ¼ 8.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 19
TOWNSHIP 30 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 18, Township 30 South, Range 11 East, W.M.

SOURCE: Jackson Creek, tributary to Williamson River

USE: irrigation of 9.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.24 cubic foot per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NE ¼ 9.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 24
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from all sources, measured at the point of diversion

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land described in item 9 above were formerly owned by a Klamath Indian. The record does not contain evidence that other claimed lands were formerly owned by a Klamath Indian.

c. The record does not describe the extent of use by previous Indian owners of the property. However, the water use described in item 9 above was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. The record does not contain evidence of diligent development on other claimed lands.

CONCLUSION

11. The elements for a *Walton* right are established for a portion of this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **13**
Walton claim

Current Claimant(s) of Record:

Steven Lawrence
60 Jennifer Lane
Alamo CA 94507

Original Claimant(s):

Steven Lawrence

The general location of the claimed use is Townships 30 and 31 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 3.8 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath River, for irrigation of 152.4 acres and livestock.

4. The claimed period of use is April through October.

5. The claimed priority date is 1864.

6. The Department performed a field inspection which partially supports the claim, but which indicates that the delivery system carries water to a lesser northern extremity than that required by the claimed acreage.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 1, Township 31 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 50.4 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.26 cubic feet per second for irrigation, and 3600 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ SE ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SE ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 36
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

LOT 2 NW ¼ NE ¼ 5.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 13.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 10.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 1
TOWNSHIP 31 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

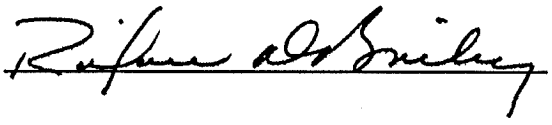
c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **14**
Walton Claim

Current Claimant(s) of Record:

Royse Loving Trust
539 Girard Circle
Medford OR 97504

Original Claimant(s):

R. Raymond Royse
Jessie P. Royse

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on November 13, 1990.

2. The claim was withdrawn on November 8, 1993.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **15**
Walton Claim

Current Claimant(s) of Record:

Royse Loving Trust
539 Girard Circle
Medford OR 97504

Original Claimant(s):

R. Raymond Royse
Jessie P. Royse

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on November 13, 1990.

2. The claim was withdrawn on November 8, 1993.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **16**
Walton claim

Current Claimant(s) of Record:

Steve Allen
Allen, Arlene
HC 63 Box 300 Hwy 97
Chiloquin OR 97624

Original Claimant(s):

Connie R Gomez

The general location of the claimed use is Section 24, Township 31 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 0.03 cubic feet per second from one point of diversion located on Sand Creek, tributary to Williamson River, for irrigation of 1.3 acres.

4. The claimed period of use is March 1 through October 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

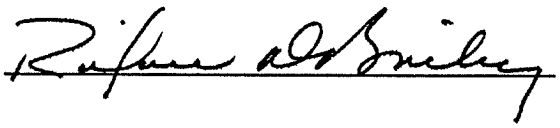
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **17**
Walton claim

Current Claimant(s) of Record:

Donald V Greene
Greene, Berniel
HC 30 Box 63C
Chiloquin OR 97624

Original Claimant(s):

Donald V Greene
Greene, Berniel

The general location of the claimed use is Township 31 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 6, 1990.

3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Sand Creek, tributary to Upper Klamath Marsh, for livestock.

4. The claimed period of use is May 1 through September 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not refute the claim.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 18, Township 31 South, Range 8 East, W.M.

   SOURCE: Sand Creek, tributary to Williamson River

   USE: livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 1200 gallons per day, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SE ¼ SE ¼
SECTION 19
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SECTION 21
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

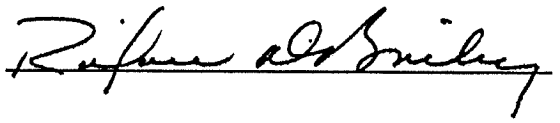
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed use was fully developed by the last Indian owners of the property, Bob Farris and Ruth Shadley Farris, prior to their sale of the property circa 1973.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **18**
Walton claim

Current Claimant(s) of Record:

John M Mosby
Mosby, Marilyn
526 Mercury
Lompoc CA 93436

Original Claimant(s):

John M Mosby
Mosby, Marilyn

The general location of the claimed use is Townships 31 and 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 77.73 cubic feet per second from four points of diversion located on Scott Creek, tributary to Sand Creek, Sand Creek, tributary to Williamson River, and Williamson River, tributary to Klamath River, for irrigation of 5376.7 acres.

4. The claimed period of use is April through October.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

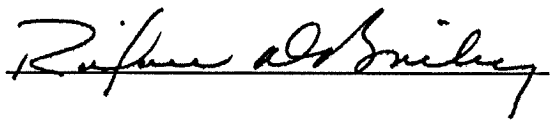
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **19**
Walton claim

Current Claimant(s) of Record:

Scott Runels
Margie Runels
HC 63 Box 305
Chiloquin OR 97624

Original Claimant(s):

Scott Runels
Margie Runels

The general location of the claimed use is Township 31 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 5742.5 acre-feet from two points of diversion located on Scott Creek tributary to Sand Creek, and Sand Creek, tributary to Williamson River, for irrigation of 1208.1 acres.

4. The claimed period of use is March 15 - November 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

NW ¼ SE ¼, Section 16, Township 31 South, Range 7 East, W.M. (Scott Creek)
NW ¼ NW ¼, Section 28, Township 31 South, Range 7 East, W.M.(Sand Creek)
SW ¼ SW ¼, Section 18, Township 31 South, Range 8 East, W.M.(Sand Creek)

SOURCE: Scott Creek tributary to Sand Creek, and Sand Creek, tributary to Williamson River

USE: irrigation of 1208.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 30.2 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	40.0	ACRES IRRIGATION
NW ¼ NE ¼	40.0	ACRES IRRIGATION
SW ¼ NE ¼	40.0	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ NW ¼	40.0	ACRES IRRIGATION
SE ¼ NW ¼	40.0	ACRES IRRIGATION
NE ¼ SW ¼	40.0	ACRES IRRIGATION

	SE ¼ SW ¼	34.3	ACRES IRRIGATION
	NE ¼ SE ¼	40.0	ACRES IRRIGATION
	NW ¼ SE ¼	40.0	ACRES IRRIGATION
	SW ¼ SE ¼	40.0	ACRES IRRIGATION
	SE ¼ SE ¼	40.0	ACRES IRRIGATION
LOT 1	NW ¼ NW ¼	32.5	ACRES IRRIGATION
LOT 2	SW ¼ NW ¼	32.0	ACRES IRRIGATION
LOT 3	NW ¼ SW ¼	32.0	ACRES IRRIGATION
LOT 4	SW ¼ SW ¼	10.6	ACRES IRRIGATION

SECTION 18
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	37.0	ACRES IRRIGATION
	NW ¼ NE ¼	37.3	ACRES IRRIGATION
	SW ¼ NE ¼	40.0	ACRES IRRIGATION
	SE ¼ NE ¼	40.0	ACRES IRRIGATION
	NE ¼ NW ¼	40.0	ACRES IRRIGATION
	SE ¼ NW ¼	40.0	ACRES IRRIGATION
	NE ¼ SW ¼	21.9	ACRES IRRIGATION
	NE ¼ SE ¼	15.0	ACRES IRRIGATION
LOT 1	NW ¼ NW ¼	19.5	ACRES IRRIGATION
LOT 2	SW ¼ NW ¼	10.2	ACRES IRRIGATION
LOT 3	NW ¼ SW ¼	0.3	ACRES IRRIGATION

SECTION 19
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. Water for the claimed use was used by the last Indian owner of the property.

    d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **20**
Walton claim

Current Claimant(s) of Record:

Savanah Land Co.
William Domes
7000 Farmer Rd
Rickeall OR 97371

Original Claimant(s):

Savanah Land Co.
Bernard C. Davis

The general location of the claimed use is Township 31 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.

3. The claim is for a total of 2 acre-feet from natural overflow and flooding from Williamson River and Big Spring Creek, tributary to Klamath River, for wildlife.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

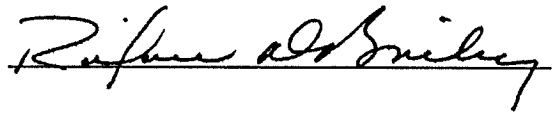
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **21**
Walton claim

Current Claimant(s) of Record:

Edward & Merrie Tompkins
T/S Ranch
PO Box 22
Guinda CA 95637

Original Claimant(s):

Edward & Merrie Tompkins
T/S Ranch

The general location of the claimed use is Township 30 South Range 8 East and Township 31 South Range 8 East

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3 acre-feet from natural overflow located on Cow Creek, Big Springs Creek and unnamed artesian springs, tributary to Williamson River, for irrigation of 2,631.1 acres, wildlife and 1300 head livestock. No additional water is claimed for wildlife and livestock use.

4. The claimed period of use is April 1 through November 15 for livestock. During June 15 through November 15, "the drains are checked up to raise the water table and provide irrigation."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which supports a portion of the claim.

7. There are no artificial diversion structures. The irrigation is accomplished by means of natural overflow. There is a canal system which controls the water. Headgates on the canals are closed to hold the water on the pasture. Livestock drink directly from the canals and potholes fed by springs. Livestock have direct access to Cow Creek.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: Historical season of use

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists for irrigation. Livestock have direct access to canals and spring-fed potholes and to Cow Creek.

SOURCE: Cow Creek, Big Springs Creek and unnamed artesian springs, tributary to Williamson River

USE: irrigation of 2241.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3 acre-feet per acre per year

PERIOD OF USE: September 21 - March 21 for irrigation by natural overflow; April 15 - November 15 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW¼SW¼	1.8	ACRES IRRIGATION AND LIVESTOCK
SE¼SW¼	8.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW¼NW¼	33.6	ACRES IRRIGATION AND LIVESTOCK
SW¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 27
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE¼NE¼	8.8	ACRES IRRIGATION AND LIVESTOCK
SW¼NE¼	18.4	ACRES IRRIGATION AND LIVESTOCK
SE¼NE¼	36.8	ACRES IRRIGATION AND LIVESTOCK
SE¼NW¼	7.2	ACRES IRRIGATION AND LIVESTOCK
NE¼SW¼	36.0	ACRES IRRIGATION AND LIVESTOCK
NW¼SW¼	10.4	ACRES IRRIGATION AND LIVESTOCK
NW¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW¼SE¼	36.8	ACRES IRRIGATION AND LIVESTOCK
SE¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	0.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	14.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 28
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

SW¼NE¼	4.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NW¼SE¼	34.8	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE¼NE¼	24.6	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW¼SE¼	41.1	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NE¼SE¼	41.8	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE¼SE¼	39.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK

	SW¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW¼NW¼	21.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE¼NW¼	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NW¼SW¼	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW¼SW¼	39.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SW¼SE¼	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE¼SE¼	39.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

	NE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW¼SW¼	39.9	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE¼SW¼	39.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

	SW¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼NE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼NW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼SW¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE¼SE¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE¼NE¼	36.3	ACRES IRRIGATION AND LIVESTOCK

LOT 2 NW¼NE¼	36.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE¼NW¼	36.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW¼NW¼	36.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 31 SOUTH RANGE 8 EAST, W.M.

NW¼ LIVESTOCK
SE¼ LIVESTOCK
SECTION 5
TOWNSHIP 31 SOUTH RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. Water for irrigation and livestock was used by the last Indian owner of the property. However, the record does not establish intent by the last Indian owner to utilize the natural overflow for wildlife.

    d. Water for irrigation and livestock was used by non-Indian owners of the property after transfer from the last Indian owner. However, the record does not establish that intent to utilize the natural overflow for wildlife use existed within a reasonable period of time after transfer from the last Indian owner

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **22**
Walton claim

Current Claimant(s) of Record:

Donal Dean
PO Drawer F
Merrill OR 97633

Original Claimant(s):

Donal Dean

The general location of the claimed use is Township 31 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 10.05 cubic feet per second from six points of diversion located on Aspen Creek, Deep Creek, Williamson River, tributary to Klamath River, for irrigation and for a total of 70 gallons per minute for 400 head of livestock.

4. The claimed period of use is April 15 through October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the rate claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

   For irrigation use:
   RATE: 1/40 cfs/acre DUTY: 3.5 af/acre SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION:
   Aspen Creek #2: SE¼ SW¼, Section 20, Township 31 South, Range 11 East, W.M.
   Deep Creek #3: NW¼ SW¼, Section 22, Township 31 South, Range 11 East, W.M.

   SOURCE: Aspen Creek and Deep Creek, tributary Williamson River

   USE: irrigation of 64.4 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed 1.59 cubic feet per second, measured at the point of diversions

   PERIOD OF USE: March 1-October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SW ¼ SW ¼ 6.0 ACRES IRRIGATION
SE ¼ SW ¼ 18.4 ACRES IRRIGATION
SECTION 20
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NW ¼ 5.2 ACRES IRRIGATION
NW ¼ NW ¼ 13.2 ACRES IRRIGATION
SW ¼ NW ¼ 21.6 ACRES IRRIGATION
SECTION 29
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:
Aspen Creek #1: SE¼ NW¼, Section 21, Township 31 South, Range 11 East, W.M.
Aspen Creek #2: SE¼ SW¼, Section 20, Township 31 South, Range 11 East, W.M.
Deep Creek #3: NW¼ SW¼, Section 22, Township 31 South, Range 11 East, W.M.

SOURCE: Aspen Creek and Deep Creek, tributary Williamson River

USE: irrigation of 131.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed 3.23 cubic feet per second, measured at the point of diversions

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NW ¼	0.1	ACRES IRRIGATION
NE ¼ SW ¼	0.8	ACRES IRRIGATION
NW ¼ SW ¼	29.2	ACRES IRRIGATION
SW ¼ SW ¼	7.2	ACRES IRRIGATION

SECTION 29
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

SE ¼ NE ¼	0.6	ACRES IRRIGATION
NE ¼ SE ¼	8.8	ACRES IRRIGATION
SW ¼ SE ¼	24.8	ACRES IRRIGATION
SE ¼ SE ¼	24.0	ACRES IRRIGATION
LOT 3 NE ¼ SW ¼	5.6	ACRES IRRIGATION
LOT 4 SE ¼ SW ¼	24.0	ACRES IRRIGATION

SECTION 30
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NE ¼	5.8	ACRES IRRIGATION
LOT 1 NE ¼ NW ¼	0.2	ACRES IRRIGATION

SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:
Deep Creek #5: NE¼ NE¼, Section 31, Township 31 South, Range 11 East, W.M.
Williamson River: Lot 3 NE¼ SE¼, Section 31, Township 31 South, Range 11 East, W.M.

SOURCE: Deep Creek, tributary Williamson River, and Williamson River

USE: irrigation of 48.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed 1.18 cubic feet per second, measured at the point of diversions

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 4 SE¼ SW ¼ 12.8 ACRES IRRIGATION
SECTION 30
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

LOT 1 NE ¼ NW ¼ 35.2 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:
Deep Creek #5: NE¼ NE¼, Section 31, Township 31 South, Range 11 East, W.M.

SOURCE: Deep Creek, tributary Williamson River

USE: irrigation of 14.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed 0.34 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW¼ NE ¼ 14.0 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:
Deep Creek #4: SW¼ NW¼, Section 28, Township 31 South, Range 11 East, W.M.

SOURCE: Deep Creek, tributary Williamson River

USE: irrigation of 150.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed 3.71 cubic feet per second, measured at the point of diversions

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW¼ SE ¼ 0.8 ACRES IRRIGATION
SECTION 29
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NE¼ NE ¼ 20.4 ACRES IRRIGATION
SW¼ NE ¼ 0.4 ACRES IRRIGATION
SE¼ NE ¼ 24.0 ACRES IRRIGATION
NE¼ SE ¼ 10.4 ACRES IRRIGATION
NW¼ SE ¼ 28.0 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NW¼ NE ¼ 6.0 ACRES IRRIGATION
NE¼ NW ¼ 11.2 ACRES IRRIGATION
NW¼ NW ¼ 20.8 ACRES IRRIGATION
SW¼ NW ¼ 21.6 ACRES IRRIGATION
SE¼ NW ¼ 6.8 ACRES IRRIGATION
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: No point of diversion exists; stock have direct access to the source.

SOURCE: Aspen Creek and Deep Creek, tributary Williamson River, and Williamson River

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4800 gallons per day for 400 head

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ LIVESTOCK
SE ¼ SW ¼ LIVESTOCK
SECTION 20
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NW ¼ LIVESTOCK
NW ¼ NW ¼ LIVESTOCK
SW ¼ NW ¼ LIVESTOCK
SE ¼ NW ¼ LIVESTOCK
NE ¼ SW ¼ LIVESTOCK
NW ¼ SW ¼ LIVESTOCK
SW ¼ SW ¼ LIVESTOCK
SW¼ SE ¼ LIVESTOCK
SECTION 29
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

SE ¼ NE ¼ LIVESTOCK
NE ¼ SE ¼ LIVESTOCK
SW ¼ SE ¼ LIVESTOCK
SE ¼ SE ¼ LIVESTOCK
LOT 3 NE ¼ SW ¼ LIVESTOCK
LOT 4 SE ¼ SW ¼ LIVESTOCK
SECTION 30
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NE¼ NE ¼ LIVESTOCK
NW¼ NE ¼ LIVESTOCK
SW¼ NE ¼ LIVESTOCK
SE¼ NE ¼ LIVESTOCK
NE¼ SE ¼ LIVESTOCK
NW¼ SE ¼ LIVESTOCK
LOT 1 NE ¼ NW ¼ LIVESTOCK
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NW¼ NE ¼ LIVESTOCK
NE¼ NW ¼ LIVESTOCK
NW¼ NW ¼ LIVESTOCK
SW¼ NW ¼ LIVESTOCK
SE¼ NW ¼ LIVESTOCK
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **24**
Walton claim

Current Claimant(s) of Record:

L H Ranch Inc.
PO Box 39
Summer Lake OR 97640

Original Claimant(s):

L H Ranch Inc.

The general location of the claimed use is Township 31 South, Range 13 East, and Township 32 South, Range 13 East W.M.

This preliminary evaluation takes into consideration all information available as of July 29, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.

3. The claim is for a total of 21.5 cubic feet per second (cfs) from two points of diversion, located on Coyote Creek and Long Creek, tributaries to Sycan River, for irrigation of 864.4 acres.

4. The claimed period of use is April 1 through October 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. For the diversion point #1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 4, Township 32 South, Range 13 East, W.M.

   SOURCE: Long Creek, tributary to Sycan River

   USE: irrigation of 806.1 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 20.0 cubic feet per second, measured at the point of diversion.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NE ¼ SW ¼	25.1	ACRES IRRIGATION
SW ¼ SW ¼	2.7	ACRES IRRIGATION
SE ¼ SW ¼	38.9	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	40.0	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 34
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NW ¼ 21.7 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SECTION 35
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 39.7 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 39.6 ACRES IRRIGATION
SECTION 1
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
LOT 1 NE ¼ NE ¼ 39.6 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 39.6 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 39.6 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 39.6 ACRES IRRIGATION
SECTION 2
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

For the diversion point #2, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 27, Township 31 South, Range 13 East, W.M.

SOURCE: Coyote Creek, tributary to Long Creek

USE: irrigation of 58.3 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.46 cubic feet per second, measured at the point of diversion. This amount is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 18.3 ACRES IRRIGATION
SECTION 35
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The subject property was comprised of several parcels of lands which passed from Indian ownership in the years ranging from 1914 to 1928.

c. The water use was not developed at the time of transfer.

d. The first non-Indian purchaser was Mr. James M. Small. The water use was diligently developed thereafter.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **25**
Walton claim

Current Claimant(s) of Record:

Martin Lester Pernoll M D
PO Box 35
Summer Lake OR 97640

Original Claimant(s):

Martin Lester Pernoll M D

The general location of the claimed use is Township 31 South, Range 13 East, WM and Township 32 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.

3. The claim is for a total of 23.31 cubic feet per second from two points of diversion located on Long Creek and Coyote Creek, tributary to Sycan River, for irrigation of 932.4 acres.

4. The claimed period of use is April 1 to October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. For the Coyote Creek diversion point, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 27, Township 31 South, Range 13 East, W.M.

   SOURCE: Coyote Creek, tributary to Sycan River

   USE: irrigation of 39.7 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.99 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NW ¼ NE ¼ 0.8 ACRES IRRIGATION
   NE ¼ NW ¼ 35.4 ACRES IRRIGATION
   SE ¼ NW ¼ 3.5 ACRES IRRIGATION
   SECTION 35
   TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

   For the Long Creek diversion, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 4, Township 32 South, Range 13 East, W.M.

SOURCE: Long Creek, tributary to Sycan River

USE: irrigation of 892.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 22.32 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	40.0	ACRES IRRIGATION
NW ¼ NE ¼	39.2	ACRES IRRIGATION
SW ¼ NE ¼	40.0	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ NW ¼	4.6	ACRES IRRIGATION
SE ¼ NW ¼	36.5	ACRES IRRIGATION
NE ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	40.0	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	40.0	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 35
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SW ¼	40.0	ACRES IRRIGATION
NW ¼ SW ¼	28.5	ACRES IRRIGATION
SW ¼ SW ¼	2.0	ACRES IRRIGATION
SE ¼ SW ¼	18.2	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	40.0	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 2
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NE ¼	15.3	ACRES IRRIGATION
SE ¼ NE ¼	36.1	ACRES IRRIGATION
SW ¼ NW ¼	15.5	ACRES IRRIGATION
SE ¼ NW ¼	25.9	ACRES IRRIGATION

LOT 1 NE ¼ NE ¼ 27.7 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 28.5 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 34.0 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 20.7 ACRES IRRIGATION
SECTION 3
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner in 1900.

c. Water for the claimed use was not used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. Development of the land appurtenant to the claim began in 1905.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **26**
Walton claim

Current Claimant(s) of Record:

Cecil Saxon
4740 Main St Suite A
Springfield OR 97477

Original Claimant(s):

Cecil Saxon

The general location of the claimed use is Township 31 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 1.43 cubic feet per second from three points of diversion located on an unnamed spring, Coyote Creek and West Long Creek, tributary to Sycan Creek, for irrigation of 57.2 acres.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

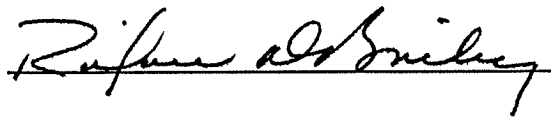
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **27**
Walton claim

Current Claimant(s) of Record:

Alvin R Marenco
Marenco, Peggy A
8475 Marenco Ranch Dr
Red Bluff CA 96080

Original Claimant(s):

Alvin R Marenco
Marenco, Peggy A

The general location of the claimed use is Township 32 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 5.95 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath Lake, for irrigation of 238.2 acres.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.

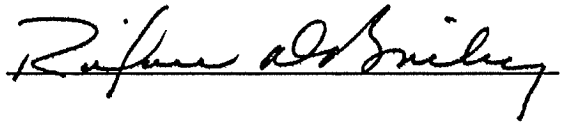
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **28**
Walton claim

Current Claimant(s) of Record:

Cliff Ambers
Cliff Ambers Chapman
7120 Wocus Rd.
Klamath Falls OR 97601

Original Claimant(s):

Cliff Ambers
Cliff Ambers Chapman

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 15, 1991.

3. The claim is for a total of 5.78 cubic feet per second from one point of diversion located on Hog Creek, tributary to Williamson River, for irrigation of 212.3 acres.

4. The claimed period of use is March 1 through October 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

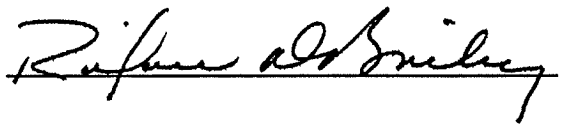
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **29**
Walton claim

Current Claimant(s) of Record:

James L Chapman
18552 N Poe Valley Rd.
Klamath Falls OR 97603

Original Claimant(s):

James L Chapman

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.

3. The claim is for a total of 4500 gallons per day from Williamson River, tributary to Klamath River, for 300 head of livestock.

4. The claimed period of use is April 1 through December 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The livestock drink directly from the Williamson River.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 7, Township 32 South, Range 8 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 3600 gallons per day. This is less than the quantity claimed.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NE ¼ SE ¼ LIVESTOCK
   SECTION 7
   TOWNSHIP 32 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. Claimants father, Jack R. Chapman bought the subject property on June 12, 1957 from Old Isaac and Natgolis, Isaac, Klamath Indians.

c. Klamath Tribe members used the subject property to raise cattle, evidenced by cattle signs and old corrals.

d. Claimant bought property from Jack R. Chapman on January 11, 1971. Cattle has been run on property since family purchased in 1957.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **30**
Walton claim

Current Claimant(s) of Record:

Alvin R Marenco
Marenco, Peggy A
8475 Marenco Ranch Dr
Red Bluff CA 96080

Original Claimant(s):

Alvin R Marenco
Marenco, Peggy A

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 10.7 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 857.6 acres.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

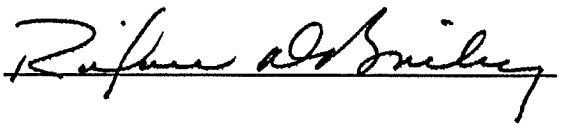
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **31**
Walton claim

Current Claimant(s) of Record:

J-Spear Ranch
Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

J-Spear Ranch
Thomas J Shaw

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet from natural overflow from Unnamed creek and springs, tributary to Williamson River, for irrigation of 80.0 acres, livestock, and wildlife.

4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **32**
Walton claim

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet from natural overflow from Unnamed creeks and springs, Williamson River, tributary to Klamath Lake, for irrigation of 135.0 acres, stockwater, and wildlife habitat.

4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

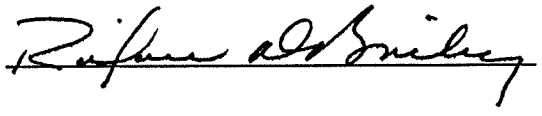
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **33**
Walton claim

Current Claimant(s) of Record:

Dayton O Hyde
Gerda V Hyde
PO Box 371
Chiloquin OR 97624

Original Claimant(s):

Dayton O Hyde
Gerda V Hyde

The general location of the claimed use is Township 32 South, Range 11 East and Township 33 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 24.03 cubic feet per second from 11 points of diversion located on Williamson River, Haystack Draw, Bull Pasture Draw and Springs, tributary to Upper Klamath Lake, for irrigation of 1402.7 acres.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION:
POD #11: NW ¼ NE ¼, Section 19, Township 32 South, Range 11 East, W.M.

SOURCE: Haystack Draw, tributary to Williamson River

USE: irrigation of 13.8 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.35 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 1.0 ACRE IRRIGATION
SW ¼ SE ¼ 6.4 ACRES IRRIGATION
SECTION 18
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NE ¼ 4.0 ACRES IRRIGATION
NE ¼ NW ¼ 2.4 ACRES IRRIGATION
SECTION 19
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATIONS:

POD #3 - Sand Creek: NW ¼ NE ¼, Section 8, Township 32 South, Range 11 East, WM
POD #4 - Sand Creek: SE ¼ SW ¼, Section 5, Township 32 South, Range 11 East, WM
POD #5 - spring-fed channel to Williamson River:
SW ¼ NW ¼, Section 9, Township 33 South, Range 11 East, WM
POD #X-12 - spring-fed channel, headwaters of the Williamson River:
NE ¼ NW ¼, Section 9, Township 33 South, Range 11 East, WM
POD #6 - spring-fed channel, headwaters of the Williamson River:
SW ¼ SW ¼, Section 4, Township 33 South, Range 11 East, WM
POD #7 - Williamson River:
LOT 1 NE ¼ NE ¼, Section 5, Township 33 South, Range 11 East, WM
POD #8 - Williamson River:
NW ¼ SE ¼, Section 29, Township 32 South, Range 11 East, WM
POD #X-15 - Williamson River:
SE ¼ SW ¼, Section 20, Township 32 South, Range 11 East, WM
POD #9 - Williamson River:
SW ¼ NW ¼, Section 20, Township 32 South, Range 11 East, WM
POD #10 - Bull Pasture Draw:
NE ¼ NE ¼, Section 31, Township 32 South, Range 11 East, WM

SOURCE: Sand Creek, springs, Bull Pasture Draw, tributary to Williamson River, and Williamson River, tributary to Upper Klamath Lake; sources are commingled

USE: irrigation of 1387.9 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed a total quantity of 23.68 cubic feet per second, measured at the point of diversions, diverted at any or all diversions

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼ 1.6 ACRES IRRIGATION
SW ¼ NW ¼ 11.2 ACRES IRRIGATION
SE ¼ NW ¼ 24.8 ACRES IRRIGATION
NE ¼ SW ¼ 13.6 ACRES IRRIGATION
NW ¼ SW ¼ 15.2 ACRES IRRIGATION
SW ¼ SW ¼ 18.4 ACRES IRRIGATION
SE ¼ SW ¼ 2.4 ACRES IRRIGATION

SECTION 17
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NW ¼ 8.8 ACRES IRRIGATION
NW ¼ NW ¼ 24.0 ACRES IRRIGATION
SW ¼ NW ¼ 18.4 ACRES IRRIGATION
NE ¼ SW ¼ 9.6 ACRES IRRIGATION
NW ¼ SW ¼ 24.8 ACRES IRRIGATION
SW ¼ SW ¼ 12.0 ACRES IRRIGATION
SE ¼ SW ¼ 28.0 ACRES IRRIGATION

SECTION 20
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NE ¼ 0.8 ACRES IRRIGATION
SW ¼ NE ¼ 9.6 ACRES IRRIGATION
NE ¼ NW ¼ 32.0 ACRES IRRIGATION
NW ¼ NW ¼ 0.3 ACRES IRRIGATION
SW ¼ NW ¼ 1.6 ACRES IRRIGATION
SE ¼ NW ¼ 39.2 ACRES IRRIGATION
NE ¼ SW ¼ 35.5 ACRES IRRIGATION
NW ¼ SW ¼ 17.6 ACRES IRRIGATION
SW ¼ SW ¼ 24.8 ACRES IRRIGATION
SE ¼ SW ¼ 23.2 ACRES IRRIGATION
NW ¼ SE ¼ 21.6 ACRES IRRIGATION
SW ¼ SE ¼ 37.6 ACRES IRRIGATION
SE ¼ SE ¼ 6.4 ACRES IRRIGATION

SECTION 29
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

SE ¼ SE ¼ 2.4 ACRES IRRIGATION

SECTION 30
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼ 3.2 ACRES IRRIGATION

SECTION 31
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼ 9.6 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 38.4 ACRES IRRIGATION
SE ¼ NE ¼ 4.0 ACRES IRRIGATION
NE ¼ NW ¼ 39.2 ACRES IRRIGATION
NW ¼ NW ¼ 10.4 ACRES IRRIGATION
SW ¼ NW ¼ 15.2 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
NE ¼ SW ¼ 37.6 ACRES IRRIGATION
NW ¼ SW ¼ 0.8 ACRES IRRIGATION
SE ¼ SW ¼ 39.2 ACRES IRRIGATION
NW ¼ SE ¼ 31.2 ACRES IRRIGATION
SW ¼ SE ¼ 38.4 ACRES IRRIGATION
SE ¼ SE ¼ 0.8 ACRES IRRIGATION

SECTION 32
TOWNSHIP 32 SOUTH, RANGE 11 EAST, W.M.

NW ¼ SW ¼ 16.0 ACRES IRRIGATION
SW ¼ SW ¼ 29.6 ACRES IRRIGATION

SECTION 4
TOWNSHIP 33 SOUTH, RANGE 11 EAST, W.M.

SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 23.2 ACRES IRRIGATION
SE ¼ NW ¼ 33.6 ACRES IRRIGATION
NE ¼ SW ¼ 38.2 ACRES IRRIGATION
NW ¼ SW ¼ 7.2 ACRES IRRIGATION
SE ¼ SW ¼ 11.2 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 30.4 ACRES IRRIGATION
SW ¼ SE ¼ 12.6 ACRES IRRIGATION
SE ¼ SE ¼ 40.0 ACRES IRRIGATION
LOT 1 NE ¼ NE ¼ 12.8 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 39.7 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 31.2 ACRES IRRIGATION

SECTION 5
TOWNSHIP 33 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION
NW ¼ NE ¼	20.8	ACRES IRRIGATION
SW ¼ NE ¼	20.0	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ SE ¼	9.6	ACRES IRRIGATION
NW ¼ SE ¼	11.2	ACRES IRRIGATION

SECTION 8
TOWNSHIP 33 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NW ¼	14.4	ACRES IRRIGATION
SW ¼ NW ¼	10.4	ACRES IRRIGATION
NW ¼ SW ¼	2.4	ACRES IRRIGATION

SECTION 9
TOWNSHIP 33 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. The extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **34**
Walton claim

Current Claimant(s) of Record:

The Nature Conservancy
821 SE 14th Ave
Portland OR 97214-2537

Original Claimant(s):

The Nature Conservancy

The general location of the claimed use is Townships 31, 32, and 33 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 18, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 413.77 cubic feet per second from five points of diversion located on Pole Creek, tributary to Dry Creek, Dry Creek, Coyote Creek, and Long Creek, tributaries to Sycan River, and Sycan River, tributary to Sprague River, for irrigation of 9790.3 acres and livestock watering for 4540 head.

4. The claimed period of use is March 1 - October 31 for irrigation, and March 1 - November 30 for livestock.

5. The claimed priority date is October 14, 1864.

6. The claimant later modified their claim to add 39 additional points of diversion, 13 additional sources of water, and 146.0 additional acres.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

SOURCES AND POINT OF DIVERSION LOCATIONS:

Sycan River, tributary to Sprague River:

2640 feet west and 4160 feet north of the SE corner
2240 feet west and 1800 feet north of the SE corner
2560 feet west and 4040 feet north of the SE corner
2480 feet west and 4180 feet north of the SE corner
2400 feet west and 4120 feet north of the SE corner
2320 feet west and 4100 feet north of the SE corner
2280 feet west and 2280 feet north of the SE corner
Section 21, Township 32 South, Range 14 East, W.M.

2800 feet west and 5840 feet north of the SE corner
Section 20, Township 32 South, Range 14 East, W.M.
5360 feet east and 3360 feet north of the SW corner

6000 feet east and 3240 feet north of the SW corner
3760 feet east and 3200 feet north of the SW corner
2920 feet east and 4800 feet north of the SW corner
Section 3, Township 33 South, Range 13 East, W.M.

AL Creek, tributary to Sycan River:

1200 feet west and 3720 feet south of the NE corner
1160 feet west and 3360 feet south of the NE corner
1160 feet west and 3120 feet south of the NE corner
Section 16, Township 32 South, Range 14 East, W.M.

Chocktoot Creek, tributary to Sycan River:

880 feet west and 1640 feet north of the SE corner
1040 feet west and 1480 feet north of the SE corner
1120 feet west and 1320 feet north of the SE corner
Section 9, Township 32 South, Range 14 East, W.M.

Shake Creek, tributary to Sycan River:

2480 feet west and 560 feet north of the SE corner
Section 20, Township 32 South, Range 14 East, W.M.

Rock Creek, tributary to Sycan River:

160 feet west and 2160 feet south of the NE corner
Section 35, Township 32 South, Range 13 East, W.M.

Knoll Creek, tributary to Sycan River:

2240 feet east and 3520 feet north of the SW corner
3080 feet east and 3080 feet north of the SW corner
Section 2, Township 33 South, Range 13 East, W.M.

Dry Creek, tributary to Sycan River:

2640 feet east and 1240 feet north of the SW corner
Section 15, Township 32 South, Range 13 East, W.M.

Long Creek, tributary to Sycan River:

1880 feet west and 2160 feet south of the NE corner
2160 feet west and 2320 feet south of the NE corner
1920 feet west and 1800 feet south of the NE corner
Section 4, Township 32 South, Range 13 East, W.M.

1480 feet east and 5320 feet north of the SW corner
2280 feet east and 5400 feet north of the SW corner
880 feet east and 5040 feet north of the SW corner
280 feet east and 3880 feet north of the SW corner
Section 3, Township 33 South, Range 13 East, W.M.

Coyote Creek, tributary to Sycan River:

4840 feet east and 2440 feet north of the SW corner
4760 feet east and 2280 feet north of the SW corner
4920 feet east and 2640 feet north of the SW corner
Section 27, Township 31 South, Range 13 East, W.M.

Pole Creek, tributary to Sycan River:

840 feet east and 1760 feet north of the SE corner
920 feet east and 1680 feet north of the SE corner
Section 23, Township 31 South, Range 13 East, W.M.

Divide Creek, tributary to Sycan River:

960 feet west and 3160 feet north of the SE corner
Section 24, Township 31 South, Range 13 East, W.M.

ZX Creek, tributary to Sycan River:

2280 feet east and 800 feet north of the SW corner
2240 feet east and 1160 feet north of the SE corner
Section 21, Township 32 South, Range 14 East, W.M.

Unnamed Creeks:

1880 feet west and 5760 feet north of the SE corner
2440 feet west and 3640 feet north of the SE corner
3600 feet west and 2000 feet north of the SE corner
3480 feet west and 640 feet north of the SE corner
Section 3, Township 32 South, Range 14 East, W.M.

40 feet east and 5040 feet north of the SW corner
Section 29, Township 32 South, Range 14 East, W.M.

4280 feet east and 1720 feet north of the SW corner
Section 27, Township 31 South, Range 13 East, W.M.

USE: livestock watering for 4540 head

AMOUNT ACTUALLY BENEFICIALLY USED: 54,480 gallons per day, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 23
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 24
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼SECTION 25
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 27
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 34
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 36
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 1
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NW ¼ SE ¼
SECTION 3
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 11
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 12
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼

SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 13
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 14
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 15
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 22
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 23
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼

NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 24
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 25
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼

SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 27
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
SECTION 28
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 33
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼

SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 34
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 35
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SECTION 36
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SECTION 2
TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 3
TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

11. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for livestock watering was used by the last Indian owner of the property, or was developed by non-Indian owners of the property after transfer from the last Indian owner.

d. The record does not establish that water for irrigation was used by the last Indian owner of the property, or that it was developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for a portion of this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **37**
Walton claim

Current Claimant(s) of Record:

James G Grimes
11990 Hwy
Klamath Falls OR 97603

Original Claimant(s):

James G Grimes

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 23, 1990.

3. The claim is for a total of 0.48 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 19.2 acres.

4. The claimed period of use is June 1 through September 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **38**
Walton Claim

Current Claimant(s) of Record:

Lawrence Hall
Ann Hall
PO Box 552
Fort Klamath OR 97626

Original Claimant(s):

Lawrence Hall
Ann Hall

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on December 6, 1990.

2. The claim was withdrawn on March 11, 1994.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **39**
Walton claim

Current Claimant(s) of Record:

Patrick J Kenneally
Kenneally, Pauline Mary and Christine Margaret
PO Box 525
Fort Klamath OR 97626

Original Claimant(s):

Patrick J Kenneally
Kenneally, Pauline Mary and Christine Margaret

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 12, 1990.

3. The claim is for a total of 1.0 cubic feet per second from one point of diversion located on unnamed Spring, tributary to Klamath River, for irrigation and livestock.

4. The claimed period of use is April 1 through October 1 for irrigation and year around for livestock.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **41**
Walton claim

Current Claimant(s) of Record:

Lloyd Nicholson Trust
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Lloyd Nicholson Trust
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 7.75 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 114.8 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

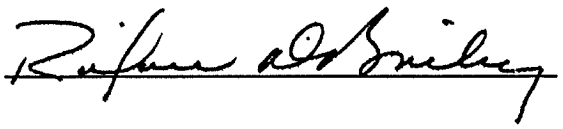
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **45**
Walton claim

Current Claimant(s) of Record:

Roger Nicholson
Richard Nicholson
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson
Richard Nicholson
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 2 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

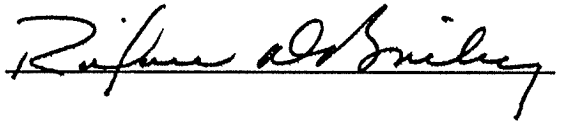
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **46**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood Creek, for irrigation of 1 acre, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

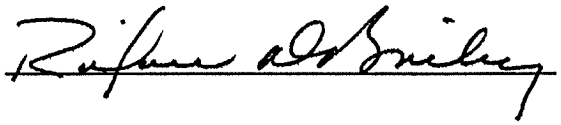
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **48**
Walton claim

Current Claimant(s) of Record:

Doug Jackson
Cell Tech
1360 S 6th St
Klamath Falls OR 97601

Original Claimant(s):

Randy S. Sparacino
Cynthia L. Sparacino
Bradford J. Aspell
Della-Rose Aspell
Richard Aspell
Anadromous, Inc.

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for an unspecified amount of water from four points of diversion located on Fort Creek, Short Creek and Unnamed Creek, tributary to Wood River, for irrigation of 32 acres, domestic, stock, and aquaculture.

4. The claimed period of use is May 1 through September 30 for irrigation, May 1 through December 31 for stock, and year round for domestic and aquaculture.

5. No priority date was specified.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **49**
Walton claim

Current Claimant(s) of Record:

Kenneth L Tuttle
Karen L Tuttle
1696 Cove Point Rd
Klamath Falls OR 97601

Original Claimant(s):

Kenneth L Tuttle
Karen L Tuttle

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 14 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 407.2 acres.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is "prior to 1909".

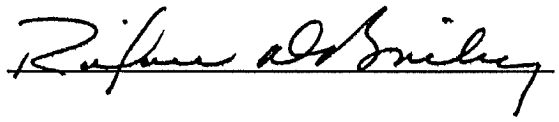
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **50**
Walton claim

Current Claimant(s) of Record:

Raymond J Driscoll
Barbara A Driscoll
HC 30 Box 138 G
Chiloquin OR 97624

Original Claimant(s):

Raymond J Driscoll
Barbara A Driscoll

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on unnamed Spring, tributary to Crooked Creek, for domestic including lawn and garden.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

   c. The water for the claimed domestic and irrigation uses was used by the last Indian owner of the property.

   d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner for domestic use.

   e. The claimed use, bottling water for commercial sale, is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

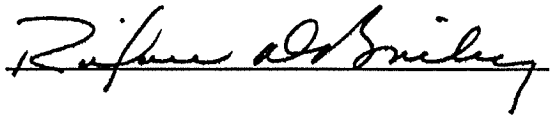
CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

8. The claimed use of water bottling is not a primary purpose for which the reservation was established. Therefore, this claim is denied.

9. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **51**
Walton claim

Current Claimant(s) of Record:

Kurt Gruen
HC 30 Box 138A
Chiloquin OR 97624

Original Claimant(s):

Kurt Gruen

The general location of the claimed use is Township 34 South, Range 7.5 East and Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.

3. The claim is for a total of 1 cubic feet per second from one point of diversion located on Agency Spring and Creek, tributary to Agency Lake, for irrigation of 38.9 acres.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **53**
Walton claim

Current Claimant(s) of Record:

James Root
Valerie Root
216 Mariposa Terrace
Medford OR 97501

Original Claimant(s):

Ambrose W McAuliffe
Susan McAuliffe

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 45.0 cubic feet per second from one point of diversion from Agency Spring, tributary to Wood River, for irrigation of 340.0 acres, livestock, and fish and wildlife uses.

4. The claimed period of use is April 1 through November 31 for irrigation, and year round for livestock, and fish and wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Original Claimant(s):

Richard E Siemens & Theodore E Siemens
dba Siemens Farms

Current Claimant(s) of Record:

Yeugeny & Luba Kaplun
2040 W Middlefield Rd #16
Mountain View, CA 94043

William G &
Maureen Shaffer
5106 Terramar Way
Oxnard, CA 93035

Dennis E & Phyllis C Odell
1837 Tioga Way
San Jose, CA 95124

Harry E Fuqua II
24629 Stonegate Dr
West Hills, CA 91304

Thomas E & Sallie McKelvey
341 Saratoga Glen
Escondido, CA 92025

McManus Family Trust
23561 E Coyote Springs Dr
Diamond Bar, CA 91765

Daniel Warren &
Mary Lezotte
1519 Cowper Court
San Jose, CA 95120

George R Jr &
Sharon Pedranti
4111 Wakfield Loop
Fremont, CA 94535

Yoshitaka K &
Keiko Taniguchi
3109 Pepita Ct
San Jose, CA 95132

James E & Karen L Ellis
Ellis Family Trust
25662 Bradford Lane
Laguna Hills, CA 92653

Gilbert L &
Jean C Thompson
5762 Middlecoff Dr
Huntington Beach, CA 92647

H Deborah Moruss
6141 Choctaw Dr
Westminster, CA 92683

David & Lydia Barta
2376 Walden Square
San Jose, CA 95124

David T & Ann M Garrett
11889 Helmer Lane
San Diego, CA 92131

Thomas A &
Yvonne Henderson
8762 Acacia Av
Garden Grove, CA 92841

Scherl Family Trust
11215 Poche Pt
San Diego, CA 92131

Richard J &
Joan Swiatkowski
14038 Arbolitos Dr
Poway, CA 92064

David J & Joan B Schrodi
847 Nisqually Dr
Sunnyvale, CA 94087

Charles E Coker
24334 Dale Dr
Laguna Hills, CA 92653

Bongerz Family Trust
2544 Buena Flores
Fallbrook, CA 92028

The general location of the claimed use is Townships 34 & 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.

3. The claim is for a total of 600 gallons per minute from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 97.2 acres.

4. The claimed period of use is May through October.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 6, Township 35 South, Range 7 East, W.M.

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: irrigation of 97.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.34 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 15.4 ACRES IRRIGATION
SW ¼ SE ¼ 28.6 ACRES IRRIGATION
SE ¼ SE ¼ 6.5 ACRES IRRIGATION
SECTION 31
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

LOT 1 NE ¼ NE ¼ 12.3 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 22.5 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 11.9 ACRES IRRIGATION
SECTION 6
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **55**
Walton claim

Current Claimant(s) of Record:

Kenneth L Tuttle
Karen L Tuttle
1696 Cove Point Rd
Klamath Falls OR 97601

Original Claimant(s):

Kenneth L Tuttle
Karen L Tuttle

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 9.46 cubic feet per second from three points of diversion located on Spring Creek and two springs, tributary to Williamson River, for irrigation of 318.9 acres.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 9, Township 34 South, Range 7 East, W.M.

   SOURCE: Spring Creek, tributary to Williamson River

   USE: irrigation of 142.3 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 3.56 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NW ¼ SW ¼	36.6	ACRES IRRIGATION
SW ¼ SW ¼	20.4	ACRES IRRIGATION
LOT 3 NW ¼ NW ¼	5.7	ACRES IRRIGATION
LOT 4 SW ¼ NW ¼	17.8	ACRES IRRIGATION
LOT 7 NE ¼ SW ¼	0.7	ACRES IRRIGATION
LOT 8 SE ¼ SW ¼	10.3	ACRES IRRIGATION

SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼	11.5	ACRES IRRIGATION
SE ¼ NE ¼	10.2	ACRES IRRIGATION
NE ¼ SE ¼	0.4	ACRES IRRIGATION

SECTION 16
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NW ¼	13.1	ACRES IRRIGATION
SW ¼ NW ¼	0.1	ACRES IRRIGATION
LOT 2 NE ¼ NW ¼	14.4	ACRES IRRIGATION
LOT 3 SE ¼ NW ¼	1.1	ACRES IRRIGATION

SECTION 22
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 11, Township 34 South, Range 7 East, W.M.

SOURCE: Spring #2, tributary to Williamson River

USE: irrigation of 117.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.94 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼	17.7	ACRES IRRIGATION
SW ¼ SW ¼	1.0	ACRES IRRIGATION

SECTION 14
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼	1.9	ACRES IRRIGATION
SE ¼ SW ¼	8.0	ACRES IRRIGATION
NE ¼ SE ¼	19.8	ACRES IRRIGATION
NW ¼ SE ¼	19.4	ACRES IRRIGATION
SW ¼ SE ¼	27.0	ACRES IRRIGATION
SE ¼ SE ¼	19.0	ACRES IRRIGATION

SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NE ¼	0.7	ACRES IRRIGATION
NE ¼ NW ¼	3.0	ACRES IRRIGATION

SECTION 22
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

POINT OF DIVERSION LOCATION: Spring #1 - SW ¼ SW ¼, Section 14, Township 34 South, Range 7 East, W.M. and Spring #2 - SW ¼ SW ¼, Section 11, Township 34 South, Range 7 East, W.M.

SOURCE: commingled waters of Spring #1 and Spring #2, tributaries to Williamson River

USE: irrigation of 59.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.48 cubic feet per second, measured at the point of diversion (this is less than the amount claimed)

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	1.0	ACRES IRRIGATION
SW ¼ SE ¼	0.8	ACRES IRRIGATION
SE ¼ SE ¼	4.9	ACRES IRRIGATION

SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼ 5.8 ACRES IRRIGATION
NW ¼ NE ¼ 31.0 ACRES IRRIGATION
LOT 2 NE ¼ NW ¼ 15.6 ACRES IRRIGATION
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **56**
Walton claim

Current Claimant(s) of Record:

Robert M Wampler
PO Box 285
Chiloquin OR 97624

Original Claimant(s):

Robert M Wampler

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.

3. The claim is for a total of 0.63 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 25.3 acres.

4. The claimed period of use is May 1 through September 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The delivery system has the capacity to deliver 0.57 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 17, SE ¼ NE ¼, Section 34, Township 34 South, Range 7 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 25.3 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.57 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

LOT 17 SW ¼ NE ¼	10.1	ACRES IRRIGATION
LOT 17 SE ¼ NE ¼	2.0	ACRES IRRIGATION
LOT 18 SW ¼ NE ¼	2.0	ACRES IRRIGATION
LOT 19 SW ¼ NE ¼	11.2	ACRES IRRIGATION

SECTION 34
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner on January 25, 1973.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **57**
Walton claim

Current Claimant(s) of Record:

Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Dorothy Nicholson Trust

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 4.2 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 41.2 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **58**
Walton claim

Current Claimant(s) of Record:

Lawrence Hall
Ann Hall
PO Box 552
Fort Klamath OR 97626

Original Claimant(s):

Harry O. Elliott
Alma M. Elliott

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 20, 1990.

3. The claim is for a total of 0.19 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 7.6 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **59**
Walton claim

Current Claimant(s) of Record:

Jack Owens Ranches; c/o Jerry Hawkins
2200 Los Viboras Rd
Hollister CA 95023

Original Claimant(s):

Jack Owens Ranches; c/o Jerry Hawkins

The general location of the claimed use is Township 33 South, Range 7.5 East and Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.

3. The claim is for a total of 7.23 cubic feet per second from Unnamed Spring, tributary to Crooked Creek; Fort Creek (through Fort Creek Canal), tributary to Wood River; and Crooked Creek, tributary to Wood River for irrigation of 276.6 acres.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **60**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 2.6 cubic feet per second from Crooked Creek and Fort Creek, tributaries to Wood River, for irrigation of 80.0 acres and livestock.

4. The claimed period of use is May 1 through October 1 for irrigation and year round for livestock.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **61**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 8.5 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 88.8 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **62**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 9.3 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 160 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **63**
Walton claim

Current Claimant(s) of Record:

Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 10 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 237.3 acres, stock, and fish and wildlife.

4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **64**
Walton claim

Current Claimant(s) of Record:

Owens and Hawkins
c/o Jerry Hawkins
2200 Los Viboras Rd
Hollister CA 95023

Original Claimant(s):

Owens and Hawkins
c/o Jerry Hawkins

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.

3. The claim is for a total of 29.06 cubic feet per second from Fort Creek and Crooked Creek, tributary to Wood River and Wood River, tributary to Upper Klamath Lake, for irrigation of 1123.3 acres.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **66**
Walton claim

Current Claimant(s) of Record:

Stephen S. Napier and Mary Anna Napier
6415 Corsini Pl
Rancho Palos Verdes CA 90274

Original Claimant(s):

Jack F. Simington

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 0.225 cubic feet per second from three points of diversion located on Tecumsah Spring, Crooked Creek and Fort Creek, tributary to Agency Lake, for irrigation of 15 acres.

4. The claimed period of use is April 1 through November 30 for irrigation, year round for domestic use.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **67**
Walton claim

Current Claimant(s) of Record:

Kurt C Thomas
Melinda A Thomas
5800 Georgia Dr
Bakersfield CA 93308

Original Claimant(s):

Kurt C Thomas
Melinda A Thomas

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3 acre-feet from three points of diversion located on Fort Creek, Crooked Creek and Wood River, tributary to Agency Lake, Klamath Lake and Klamath River, for irrigation of 1515.6 acres and livestock.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **68**
Walton claim

Current Claimant(s) of Record:

Dorothy Buchanan
13851 Algoma Rd
Klamath Falls OR 97601

Original Claimant(s):

Dorothy Buchanan

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 8, 1990.

3. The claim is for a total of 7.39 cubic feet per second from one point of diversion located on Whitehorse Spring, tributary to Sprague River, for domestic, livestock, and irrigation of 294.5 acres.

4. The claimed period of use is April 1 through December 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For domestic:
RATE: 0.01 cfs/home SEASON: January 1 - December 31

For livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

For irrigation:
RATE: 1/40 cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NE ¼, Section 22, Township 34 South, Range 8 East, W.M.

SOURCE: Whitehorse Spring, tributary to Sprague River

PRIORITY DATE: October 14, 1864

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: January 1 - December 31

PLACE OF USE:

NE ¼ NE ¼ DOMESTIC
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

USE: livestock for 600 head

AMOUNT ACTUALLY BENEFICIALLY USED: 7200 gallons per day, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: January 1 - December 31

USE: irrigation of 294.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 7.36 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PLACE OF USE:

SW ¼ SE ¼ 1.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 2.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 29.4 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 13.4 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 30.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 7.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 18.6 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 38.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 2.5 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 5.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 35.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 24.3 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 6.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. George and Hilda Hagelstein, the claimant's parents, purchased the land appurtenant to the claim from Wade Crawford, a Klamath Indian, in the 1940's.

c. Wade Crawford was irrigating the property at the time of the ownership transfer.

d. The Hagelstein's and subsequently, the claimant, have continued to irrigate the property with improvements, specifically rerouting of the northerly ditch for more efficient irrigation and the addition of pumps.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **69**
Walton claim

Current Claimant(s) of Record:

Dorothy Buchanan
Glenda Buchanan
Robert Buchanan
Ruth Hagelstein
13851 Algoma Rd
Klamath Falls OR 97601

Original Claimant(s):

Dorothy Buchanan
Glenda Buchanan
Robert Buchanan
Ruth Hagelstein

The general location of the claimed use is Township 34 South , Range 8 East , W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 13, 1990.

3. The claim is for a total of 1.61 cubic feet per second from three points of diversion located on unnamed Springs, tributary to Sprague River, for irrigation of 61.5 acres and livestock of 100 head.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

   c. The record does not establish that water for livestock was used by the last Indian owner of the property. The record does not establish intent by the last Indian owner to utilize the natural overflow for irrigation.

   d. The record does not establish that the water use for livestock was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. The record does not establish that intent to utilize the natural overflow for irrigation existed within a reasonable period of time after transfer from the last Indian owner

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **71**
Walton claim

Current Claimant(s) of Record:

Cary Havird
Havird, Marlys
PO Box 498
Chiloquin OR 97624

Original Claimant(s):

Cary Havird
Havird, Marlys

The general location of the claimed use is Section 23, Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 1.1 cubic feet per second from a portable pump on Sprague River, tributary to Williamson River, for irrigation of 46 acres.

4. The claimed period of use is July 1 to October 1.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: point of diversion is portable within the E½ NE¼, Section 23, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 44.92 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.1 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 1

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 8.62 ACRES IRRIGATION
SE ¼ NE ¼ 24.30 ACRES IRRIGATION
NE ¼ SE ¼ 12.00 ACRES IRRIGATION
SECTION 23
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by Neva "Mabie" Eggsman, a Klamath Indian, who transferred ownership to the claimants on January 6, 1984.

c. It is unclear whether water for the claimed use was used by the last Indian owner of the property. However, the water use was diligently developed by the claimants after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **72**
Walton claim

Current Claimant(s) of Record:

Shirley M Nigh
PO Box 682
Chiloquin OR 97624

Original Claimant(s):

Shirley M Nigh

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.

3. The claim is for a total of 2 acre-feet from natural overflow and flooding from the Sprague River, tributary to Williamson River, for 7.5 acres.

4. The claimed period of use is November 1 through March 31.

5. The claimed priority date is 1864.

6. The Department performed a field inspection which found the use as claimed.

7. No delivery system exists. The irrigation is accomplished by means of natural, springtime overflow.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: Historical season of use

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 7.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.0 acre-feet per acre, measured at the point of diversion

PERIOD OF USE: March 21 - June 21. This is a shorter season than was claimed.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 6.4 ACRES IRRIGATION
NE ¼ SE ¼ 1.1 ACRES IRRIGATION
SECTION 21
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by Walter Eggsman, a Klamath Indian.

c. The last Indian owner, Walter Eggsman, fully developed the water use.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **73**
Walton claim

Current Claimant(s) of Record:

S. E. Collins
Ronald Collins
Tezea Collins
PO Box 669
Chiloquin OR 97624

Original Claimant(s):

Richard H. Outcalt
Lois M. Outcalt

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 0.33 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 13.2 acres.

4. The claimed period of use is June through October.

5. The claimed priority date is 1864.

6. A private engineer performed a field inspection in which he surveyed 12.9 acres of beneficial irrigation.

7. The delivery system has the capacity to deliver 0.32 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 21, Township 34 South, Range 8 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 12.9 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.32 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NE ¼ NE ¼ 7.5 ACRES IRRIGATION
   SE ¼ NE ¼ 5.4 ACRES IRRIGATION
   SECTION 21
   TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner on October 19, 1976.

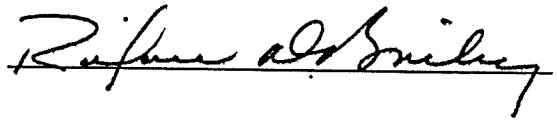
c. Water for the claimed use was not used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. Irrigation of the land appurtenant to the claim began on August 11, 1979.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **74**
Walton claim

Current Claimant(s) of Record:

Walter Seput
10875 Sprague River Road
Chiloquin OR 97624

Original Claimant(s):

Walter Seput

The general location of the claimed use is Township 34 South, Range 8 East, Township 34 South, Range 9 East, Township 35 South, Range 8 East, and Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 20,600 gallons per minute, from three points of diversion located on Sprague River, tributary to Klamath Lake, for irrigation of approximately 710 acres.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 13.31 cfs.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:
SW ¼ SW ¼, Section 32, Township 34 South, Range 9 East, W.M.
NW ¼ SE ¼, Section 31, Township 34 South, Range 9 East, W.M.
NE ¼ SE ¼, Section 36, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 701.4 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 13.31 cubic feet per second, measured at the point of diversions. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 37.2 ACRES IRRIGATION
NW ¼ SE ¼ 16.6 ACRES IRRIGATION
SW ¼ SE ¼ 38.1 ACRES IRRIGATION
SE ¼ SE ¼ 40.0 ACRES IRRIGATION
SECTION 36
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

SE ¼ SE ¼ 0.7 ACRES IRRIGATION
SECTION 30
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	29.2	ACRES IRRIGATION
NW¼ NE ¼	15.9	ACRES IRRIGATION
SW ¼ NE ¼	39.2	ACRES IRRIGATION
SE ¼ NE ¼	39.0	ACRES IRRIGATION
SE ¼ NW ¼	22.2	ACRES IRRIGATION
NE ¼ SW ¼	36.9	ACRES IRRIGATION
SE ¼ SW ¼	38.2	ACRES IRRIGATION
NE ¼ SE ¼	9.4	ACRES IRRIGATION
NW ¼ SE ¼	5.0	ACRES IRRIGATION
SW¼ SE ¼	9.8	ACRES IRRIGATION
SE ¼ SE ¼	3.6	ACRES IRRIGATION
LOT 1 NW ¼ NW ¼	0.9	ACRES IRRIGATION
LOT 2 SW ¼ NW ¼	29.7	ACRES IRRIGATION
LOT 3 NW ¼ SW ¼	39.6	ACRES IRRIGATION
LOT 4 SW ¼ SW ¼	39.6	ACRES IRRIGATION

SECTION 31
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NW ¼	8.7	ACRES IRRIGATION
SW ¼ NW ¼	0.6	ACRES IRRIGATION
NW ¼ SW ¼	8.6	ACRES IRRIGATION
SW ¼ SW ¼	9.8	ACRES IRRIGATION

SECTION 32
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NE ¼	7.1	ACRES IRRIGATION
LOT 1 NE ¼ NE ¼	39.8	ACRES IRRIGATION
LOT 2 NW¼ NE ¼	20.0	ACRES IRRIGATION

SECTION 1
TOWNSHIP 35 SOUTH, RANGE 8 EAST, W.M.

SE ¼ NW ¼	18.5	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	31.8	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	39.6	ACRES IRRIGATION
LOT 5 SW ¼ NW ¼	26.1	ACRES IRRIGATION

SECTION 6
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

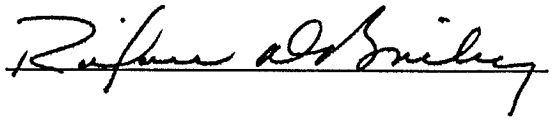
c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **75**
Walton claim

Current Claimant(s) of Record:

Gordon A Webb
Webb, Karen R
PO Box 83
Chiloquin OR 97624

Original Claimant(s):

Gordon A Webb
Webb, Karen R

The general location of the claimed use is Township 34 South, Range 8 East and Township 34 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 7.42 cubic feet per second from four points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 296.6 acres and livestock.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. The livestock use is incidental to irrigation.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For irrigation:
   RATE: 1/40 cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. For diversion point #1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SW ¼, Section 19, Township 34 South, Range 9 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation and incidental livestock use

    AMOUNT ACTUALLY BENEFICIALLY USED: 1.54 cubic feet per second, measured at the point of diversion.

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼ 18.0 IRRIGATION
NW ¼ NW ¼ 8.0 IRRIGATION
SW ¼ NW ¼ 9.0 IRRIGATION
SE ¼ NW ¼ 7.6 IRRIGATION
NE ¼ SW ¼ 10.2 IRRIGATION
NW ¼ SW ¼ 8.8 IRRIGATION
SECTION 19
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

For diversion point #2, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.0 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 9.2 IRRIGATION
NE ¼ SE ¼ 26.0 IRRIGATION
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NW ¼ SW ¼ 4.8 IRRIGATION
SECTION 19
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

For diversion point #3, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 4.02 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	27.6 IRRIGATION
SW ¼ NW ¼	20.8 IRRIGATION
SE ¼ NW ¼	33.8 IRRIGATION
NE ¼ SW ¼	36.5 IRRIGATION
NW ¼ SW ¼	9.4 IRRIGATION
SE ¼ SW ¼	0.3 IRRIGATION
NW ¼ SE ¼	32.2 IRRIGATION

SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

11. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by Jessie Hescock, a Klamath Indian.

c. The last Indian owner, Jessie Hescock, fully developed the water use.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **76**
Walton claim

Current Claimant(s) of Record:

Earl M Harris
Box 467
Chiloquin OR 97624

Original Claimant(s):

Earl M Harris

The general location of the claimed use is Township 34 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 4.015 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 139.2 acres.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. For Diversion Point #1, referred to in the claim form as the "south" diversion, the delivery system has the capacity to deliver the claimed amount. However, for Diversion Point #2, referred to in the claim form as the "north" diversion, the delivery system has the capacity to deliver 1.93 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   Diversion Point #1 (South)

   POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 34 South, Range 9 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 83.5 acres. This is a smaller area than claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.57 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	11.2	ACRES IRRIGATION
SW ¼ SE ¼	11.1	ACRES IRRIGATION
SE ¼ SE ¼	9.4	ACRES IRRIGATION
LOT 4 SW ¼ SW ¼	2.0	ACRES IRRIGATION

SECTION 30
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M

NE ¼ NW ¼	33.6	ACRES IRRIGATION
LOT 1 NW ¼ NW ¼	16.2	ACRES IRRIGATION

SECTION 31
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

Diversion Point #2 (North)

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 34 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 55.2 acres. This is a smaller area than claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.38 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	25.5	ACRES IRRIGATION
SE ¼ SW ¼	2.3	ACRES IRRIGATION
SW ¼ SE ¼	11.0	ACRES IRRIGATION
LOT 3 NW ¼ SW ¼	16.4	ACRES IRRIGATION

SECTION 30
TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. For the lands claimed in N ½ SE ¼, Section 30, Township 34 South, Range 9 East, W.M., the record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership. In addition, the record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

d. For the lands claimed in Lot 4, SE ¼ SW ¼, SW ¼ SE ¼, and SE ¼ SE ¼, Section 30 and in Lot 1 and NE ¼ NW ¼, Section 31, Township 34 South, Range 9 East, W.M., the water for the claimed use was not developed by the last Indian owner of the property. However, the water was diligently developed by non-Indian owners of the property after transfer.

e. For the lands claimed in Lot 3 and NE ¼ SW ¼, Section 30, Township 34 South, Range 9 East, W.M., the extent of development prior to transfer from the last Indian owner is unclear. However, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for a portion of this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **77**
Walton claim

Current Claimant(s) of Record:

David Fairclo
1668 NE Canyon Park Dr
Bend OR 97701

JELD-WEN, Inc.
3250 Lakeport Blvd
Klamath Falls, OR 97601

Original Claimant(s):

Richard Fairclo

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.

3. The claim is for storage of a total of 2.9 acre-feet in six reservoirs located on unnamed draws, tributary to Sycan River, for livestock.

4. The claimed period of use is year round.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: see locations of in-channel reservoirs under PLACE OF USE below

   SOURCES: unnamed draws, tributary to Sycan River

   USE: livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 2.9 acre-feet per year

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NW ¼ NE ¼
SW ¼ NW ¼
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SE ¼
SE ¼ SE ¼
SECTION 10
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

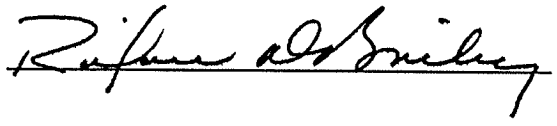
c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **78**
Walton claim

Current Claimant(s) of Record:

David Fairclo
1668 NE Canyon Park Dr
Bend OR 97701

Original Claimant(s):

Richard Fairclo

The general location of the claimed use is Townships 34 and 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.

3. The claim is for a total of 4.81 cubic feet per second from Corner Creek, tributary to Blue Creek, and Blue Creek (Milk Creek), tributary to Sycan River, for irrigation of 183.9 acres.

4. The claimed period of use is March 15 through December 1.

5. The claimed priority date is 1864.

6. The claimant later clarified their water use in the following ways:

- ❖ Added livestock watering
- ❖ Modified the period of use to May 1 through October 1 for irrigation and April 15 through December 1 for livestock.
- ❖ Modified the rate of use for livestock at 13,500 gallons per day.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

SOURCE: Corner Creek, tributary to Blue Creek

POINT OF DIVERSION LOCATION: natural overflow

USE: irrigation of 45.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.14 cubic feet per second. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	18.5	ACRES IRRIGATION
SE ¼ NE ¼	8.4	ACRES IRRIGATION
SE ¼ NW ¼	6.8	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	9.8	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	2.0	ACRES IRRIGATION

SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SOURCE: Blue Creek (Milk Creek), tributary to Sycan River

POINT OF DIVERSION LOCATION: NE ¼ SE ¼ Section 32, Township 34 South, Range 12 East, W.M.

USE: irrigation of 138.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.46 cubic feet per second. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼	0.4	ACRES IRRIGATION
SW ¼ SW ¼	21.2	ACRES IRRIGATION

SECTION 33
TOWNSHIP 34 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NW ¼	25.2	ACRES IRRIGATION
SE ¼ NW ¼	3.6	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	20.4	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	37.2	ACRES IRRIGATION

SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼	1.6	ACRES IRRIGATION
SW ¼ NE ¼	1.2	ACRES IRRIGATION
SE ¼ NE ¼	27.6	ACRES IRRIGATION

SECTION 5
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SOURCE: Corner Creek, tributary to Blue Creek, and Blue Creek (Milk Creek), tributary to Sycan River

POINT OF DIVERSION LOCATION: livestock drink directly from the source in the area described under PLACE OF USE below

USE: livestock watering for 800 head

AMOUNT ACTUALLY BENEFICIALLY USED: 9,600 gallons per day. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NW ¼ SE ¼
SECTION 5
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

11. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

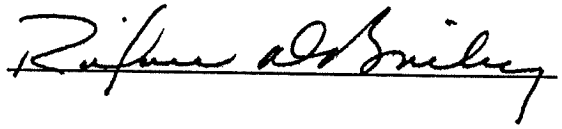
c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **79**
Walton claim

Current Claimant(s) of Record:

Rodney N Murray
1945 Painter St
Klamath Falls OR 97601

Original Claimant(s):

Rodney N Murray

The general location of the claimed use is Section 36, Township 34 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 20 gallons per minute from one point of diversion located on an unnamed spring, tributary to Five Mile Creek, for domestic use and irrigation of a lawn.

4. The claimed period of use is February through November for domestic use and May through October for irrigation.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

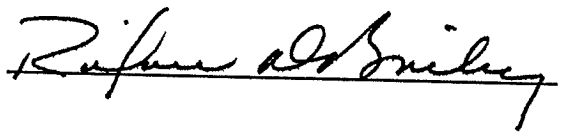
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **80**
Walton claim

Current Claimant(s) of Record:

James M Severin
36358 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Mary E. Fike

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Agency Lake, tributary to Klamath River, for an unknown number of acres of irrigation.

4. The claimed period of use is April through October.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

   c. The date of transfer from Indian ownership to non-Indian ownership is unclear. The transfer occurred between 1933 and 1942.

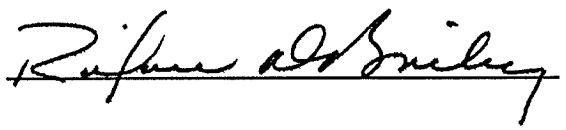
   d. The record does not establish whether water for the claimed use was used or developed by the last Indian owner of the property.

   e. The record does not establish whether Cox, the non-Indian purchaser of the property involved, diligently developed the use following his purchase from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **81**
Walton claim

Current Claimant(s) of Record:

Goose Bay Farms
HC 30 Box 61
Chiloquin OR 97624

Original Claimant(s):

Goose Bay Farms

The general location of the claimed use is Township 35 South, Range 7.5 East, Township 36 South, Range 7 East Township 36 South, Range 7.5 East, and Township 36 South, Range 7 East W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 51.4 cubic feet per second from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 2187 acres, livestock and wildlife.

4. The claimed period of use is year round

5. The claimed priority date is October 14, 1864.

6. The claimant later amended their claim to include an additional 32.41 cubic feet per second of water for irrigation and 6.8 additional acres. The amendment described livestock and wildlife use from Diversion B and the Williamson River. The amendment was filed to "correct claim to accurately show historic use".

FINDINGS OF FACT

7. The Department performed a field inspection which found the irrigation use as claimed. The field inspection did not indicate use of water for livestock.

8. The claimed use, "Wildlife," is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

9. The delivery system at Diversion B has the capacity to deliver the claimed amount. However, the delivery system at Diversion D has the capacity to deliver 8.92 cubic feet per second.

10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

11. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Diversion Point D--
Government Lot 18, SE ¼ NW ¼, Section 31, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 532.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 8.92 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 11 SW ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼ NE ¼	7.6	ACRES IRRIGATION AND LIVESTOCK
LOT 16 SW ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 18 SE ¼ NW ¼	2.7	ACRES IRRIGATION AND LIVESTOCK
LOT 19 SW ¼ NE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
LOT 20 SE ¼ NE ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
LOT 21 NE ¼ SE ¼	3.9	ACRES IRRIGATION AND LIVESTOCK
LOT 22 NW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 23 NE ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 24 NW ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
LOT 25 NW ¼ SW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 26 NE ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 27 NW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 28 NE ¼ SE ¼	6.1	ACRES IRRIGATION AND LIVESTOCK
LOT 29 SE ¼ SE ¼	8.3	ACRES IRRIGATION AND LIVESTOCK
LOT 30 SW ¼ SE ¼	20.1	ACRES IRRIGATION
LOT 31 SE ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
LOT 32 SW ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
LOT 33 SW ¼ SW ¼	2.7	ACRES IRRIGATION AND LIVESTOCK
LOT 34 SW ¼ SW ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 35 SE ¼ SW ¼	4.1	ACRES IRRIGATION AND LIVESTOCK
LOT 36 SE ¼ SW ¼	12.9	ACRES IRRIGATION AND LIVESTOCK
LOT 37 SW ¼ SE ¼	19.3	ACRES IRRIGATION
LOT 38 SE ¼ SE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 31
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 6 NE ¼ SE ¼	23.2	ACRES IRRIGATION AND LIVESTOCK
LOT 9 SE ¼ SE ¼	23.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ SE ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 15 SW ¼ SE ¼	3.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 36
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

LOT 5 NW ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼	33.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	38.4	ACRES IRRIGATION
NE ¼ NW ¼	35.4	ACRES IRRIGATION AND LIVESTOCK

NW ¼ NW ¼	19.9	ACRES	IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	2.4	ACRES	IRRIGATION AND LIVESTOCK
LOT 9 NW ¼ NW ¼	10.1	ACRES	IRRIGATION AND LIVESTOCK
LOT 10 NW ¼ NW ¼	7.0	ACRES	IRRIGATION AND LIVESTOCK

SECTION 6
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼	26.0	ACRES	IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	6.5	ACRES	IRRIGATION AND LIVESTOCK

SECTION 1
TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

POINT OF DIVERSION LOCATION: Diversion Point B--
SW ¼ NW ¼, Section 1, Township 36 South, Range 7.5 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 1660.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 41.52 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 12	SW ¼ NW ¼ 6.8	ACRES	IRRIGATION AND LIVESTOCK
LOT 13	SW ¼ NW ¼ 14.6	ACRES	IRRIGATION AND LIVESTOCK
LOT 19	NE ¼ SW ¼ 1.5	ACRES	IRRIGATION AND LIVESTOCK
LOT 20	NW ¼ SW ¼ 19.6	ACRES	IRRIGATION AND LIVESTOCK
LOT 21	NW ¼ SW ¼ 20.0	ACRES	IRRIGATION AND LIVESTOCK
LOT 22	NE ¼ SW ¼ 6.6	ACRES	IRRIGATION AND LIVESTOCK
LOT 27	SE ¼ SW ¼ 13.7	ACRES	IRRIGATION AND LIVESTOCK
LOT 28	SW ¼ SW ¼ 19.5	ACRES	IRRIGATION AND LIVESTOCK
LOT 29	SW ¼ SW ¼ 17.8	ACRES	IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼ 18.9	ACRES	IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

SW ¼ NE ¼	38.8	ACRES	IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	38.7	ACRES	IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	14.9	ACRES	IRRIGATION AND LIVESTOCK

	SE ¼ NW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	19.3	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	39.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	19.3	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	9.3	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SW ¼ NW ¼	9.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 6
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NW ¼	40.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ NW ¼	26.3	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SE ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NW ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ NW ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 7
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK

SE ¼ NE ¼ 36.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 15.3 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 24.8 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼ 38.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 30.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 36.4 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 38.2 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 36.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 36.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 1
TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼ 1.6 ACRES IRRIGATION
NW ¼ NE ¼ 2.0 ACRES IRRIGATION

SECTION 11
TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼ 39.8 ACRES IRRIGATION
NW ¼ NE ¼ 39.8 ACRES IRRIGATION
SW ¼ NE ¼ 35.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 39.8 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 39.8 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 33.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 34.0 ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¼ SE ¼ 4.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 12
TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day for 400 head; stock drink directly from all sources and ditches

12. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

CONCLUSION

13. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **82**
Walton claim

Current Claimant(s) of Record:

Lloyd Lee Hall
Bonnie Kay Hall
PO Box 514
Fort Klamath OR 97626

Original Claimant(s):

Lloyd Lee Hall
Bonnie Kay Hall

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 1.67 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 53.5 acres.

4. The claimed period of use is March 1 through November 1.

5. The claimed priority date is October 14, 1864.

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 24, SE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 53.5 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.34 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

LOT 32 SW ¼ SE ¼ 20.0 ACRES IRRIGATION
LOT 33 SE ¼ SW ¼ 6.6 ACRES IRRIGATION
LOT 36 SE ¼ SW ¼ 7.9 ACRES IRRIGATION
LOT 37 SW ¼ SE ¼ 19.0 ACRES IRRIGATION
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **84**
Walton claim

Current Claimant(s) of Record:

Modoc Point Irrigation District
28888 Hwy 97 N
Chiloquin OR 97624

Original Claimant(s):

Modoc Point Irrigation District

The general location of the claimed use is Township 35 & 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 12, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 130.5 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 5220 acres and livestock.

4. The claimed period of use is April 15 through November 1 for irrigation and year round for livestock.

5. The claimed priority date is prior to 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The delivery system has the capacity to deliver 57.2 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 5431.4 acres and livestock use

   AMOUNT ACTUALLY BENEFICIALLY USED: 56.2 cubic feet per second, measured at the point of diversion for irrigation.

   1.0 cubic feet per second, measured at the point of diversion for livestock.

   PERIOD OF USE: March 1 - October 31 for irrigation and livestock; no diversion occurs outside of the irrigation season.

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

Township		Range		Section	Q/Q	Gov Lot	Acres	Use
35	S	7	E	3	NWNW	13	2.2	IRRIGATION AND LIVESTOCK
35	S	7	E	3	SENW	14	3.3	IRRIGATION AND LIVESTOCK
35	S	7	E	3	SWNE	15	4.5	IRRIGATION AND LIVESTOCK
35	S	7	E	3	NWSE	20	4.6	IRRIGATION AND LIVESTOCK
35	S	7	E	4	NENE	9	2	IRRIGATION AND LIVESTOCK
35	S	7	E	9	SESE	33	2.5	IRRIGATION AND LIVESTOCK
35	S	7	E	10	SWSW		6.4	IRRIGATION AND LIVESTOCK

35	S	7	E	10	SWSW	15	3.3	IRRIGATION AND LIVESTOCK
35	S	7	E	15	NWNW		2.7	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NENE	1	5.6	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NENE	10	2	IRRIGATION AND LIVESTOCK
35	S	7	E	16	SENE	20	8.3	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NESE	21	5.4	IRRIGATION AND LIVESTOCK
35	S	7	E	19	SESE	23	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWNW	16	4.7	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NESE	22	13.3	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSW	25	12.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSW	27	12.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSE	29	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NESE	30	19.1	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESE	31	19.5	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSE	32	20	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESW	33	6.6	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSW	34	10.9	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESW	36	7.9	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSE	37	19	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESE	38	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NENE	10	5.7	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWNE	11	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENE	12	3.9	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNE	13	5.5	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNW	18	3.6	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENW	20	10	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNE	22	6	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENE	23	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NESW	26	15	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWSW	27	17	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWSW	28	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NESW	29	19	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SESW	34	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWSW	35	14.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWSW	36	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SESW	37	20	IRRIGATION AND LIVESTOCK

35	S	7	E	28	NENW	3	10	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWNW	4	15.9	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWNW	5	19.8	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SENW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWNW	13	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SENW	14	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSE	18	17	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSW	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESW	22	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSE	23	19.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESE	24	0.1	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESE	25	1.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSE	26	17.9	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESW	27	19.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSW	28	12.6	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSW	29	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESW	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESE	32	3.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENE	1	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNE	2	14.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENW	3	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNW	4	15.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNW	5	19.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNE	7	10.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENE	8	17.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SENE	9	19.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SENW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNW	12	16.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNW	13	19	IRRIGATION AND LIVESTOCK

35	S	7	E	29	SENW	14	17.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNE	15	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SENE	16	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESE	17	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSE	18	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSW	20	19	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSW	21	14.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESW	22	18.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSE	23	11	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESE	24	19.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESE	25	17.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSE	26	12.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESW	27	17.7	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSW	28	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSW	29	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESW	30	17.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSE	31	12.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESE	32	12.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NENE	10	8.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SENE	11	17.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWNE	19	0.6	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SENE	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NESE	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NWSE	22	5.1	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NWSE	29	10.6	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NESE	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWSE	32	16	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESW	38	0.2	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWSE	39	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESE	40	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NENE	1	14.2	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NWNE	2	20	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NENW	3	2.7	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NWNE	9	15.5	IRRIGATION AND LIVESTOCK

35	S	7	E	31	NENE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SENE	11	19.7	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SENE	20	16.3	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NESE	21	14.5	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NESE	28	12.6	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SESE	29	10	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SESE	38	7	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENE	1	15.7	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNE	2	17.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENW	3	14.2	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNW	4	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNW	5	20.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENW	6	14.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNE	7	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENE	8	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	9	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNE	10	13.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENW	11	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNW	13	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENW	14	19.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNE	15	16	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	16	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESE	17	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSE	18	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESW	19	19.6	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSW	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESW	22	19.4	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSE	23	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESE	24	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESE	25	17.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSE	26	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESW	27	19.2	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSW	28	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSW	29	20	IRRIGATION AND LIVESTOCK

35	S	7	E	32	SESW	30	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESE	32	19	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENE	1	4.5	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNE	2	11.2	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENW	3	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNW	4	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNW	5	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNE	7	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENE	8	5.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENE	9	4.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNW	13	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENW	14	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNE	15	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENE	16	5.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESE	17	8.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSE	18	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSW	20	18.9	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESW	22	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSE	23	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESE	24	8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESE	25	5.2	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSE	26	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESW	27	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSW	28	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSW	29	13.4	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESW	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESE	32	6.2	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWNW	4	0.4	IRRIGATION AND LIVESTOCK

36	S	7	E	3	NWNW	5	2	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWNW	12	5.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWNW	13	7.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWSW	20	9	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWSW	21	10.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWSW	28	12.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWSW	29	14.5	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENE	1	19.1	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENW	3	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNW	5	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENW	6	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENE	8	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	9	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNE	10	17.5	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENW	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNW	12	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNW	13	16.2	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENW	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	16	17.8	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSE	18	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSW	20	19	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSW	21	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NESW	22	16.1	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSE	23	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSE	26	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESW	27	17.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSW	28	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSW	29	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESW	30	18.2	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSE	31	19.2	IRRIGATION AND LIVESTOCK

36	S	7	E	4	SESE	32	19.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENE	1	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENW	3	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNW	4	19.8	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNW	5	16.3	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENW	6	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENE	8	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	9	17.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENW	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNW	12	13.2	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNW	13	5.4	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENW	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	16	19.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWSE	18	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESW	19	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESW	22	13.4	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWSE	23	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESE	24	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWSE	26	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESW	27	4.3	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWSE	31	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESE	32	20	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NENE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NESE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NWNE		35.9	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SENE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SWNE		32.2	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NWSE	3	7.1	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SESE	5	33.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENE	1	17.2	IRRIGATION AND LIVESTOCK

36	S	7	E	9	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENW	3	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNW	5	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENW	6	19	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENE	8	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	9	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENW	11	17	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNW	12	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNW	13	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENW	14	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	16	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSE	18	19.4	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSW	20	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSW	21	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESW	22	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSE	23	19.4	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESE	24	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSE	26	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESW	27	8.6	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSW	28	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSW	29	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESW	30	11.9	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSE	31	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESE	32	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NENW	3		LIVESTOCK
36	S	7	E	10	NWNW	4	16.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWNW	5	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWNW	12	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWNW	13	18.1	IRRIGATION AND LIVESTOCK

36	S	7	E	10	SENW	14	2.7	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NESW	19	4.2	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWSW	20	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWSW	21	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NESW	22	6.2	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SESW	27	7.3	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWSW	28	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWSW	29	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SESW	30	9.3	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NENW	3	11	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NWNW	5	20	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NENW	6	12.7	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SENW	11	13.5	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SWNW	12	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SWNW	13	16.9	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SENW	14	11.4	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NESW	19	2.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENE	1	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENW	3	13.4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNW	4	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNW	5	11.5	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENW	6	12.2	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENE	8	19.2	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENE	9	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENW	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNW	12	0.4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNW	13	3.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENW	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENE	16	19.1	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSE	18	20	IRRIGATION AND LIVESTOCK

36	S	7	E	16	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSW	20	7.1	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSW	21	5.9	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESW	22	18.6	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSE	23	13	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESE	24	6.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SESW	27	4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWSW	28	0.5	IRRIGATION AND LIVESTOCK
36	S	7	E	17	NENE		1.2	IRRIGATION AND LIVESTOCK
36	S	7	E	17	NENE	1	16.1	IRRIGATION AND LIVESTOCK
						Total	5431.4	

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian or is still within the ownership of a Klamath Indian.

    c. Lands were irrigated by the Indian Allottee owners prior to any transfer to non-Indian owners, were developed within a reasonable time after the transfer from Indian ownership, or are still in Indian ownership.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **85**
Walton claim

Current Claimant(s) of Record:

Raymond K Poteet
200 Williamson River Dr
Chiloquin OR 97624

Original Claimant(s):

Raymond K Poteet

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 28, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 7.5 acres.

4. The claimed period of use is April 1 to November 1.

5. The claimed priority date is October 14, 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lots 14, 15, 19, and 21, Section 21, Township 35 South, Range 7 East, W.M. (This is a portable point of diversion.)

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 4.7 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.12 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   LOT 14 SW ¼ NE ¼ 1.2 ACRES IRRIGATION
   LOT 15 SE ¼ NW ¼ 1.9 ACRES IRRIGATION
   LOT 19 SE ¼ NW ¼ 1.1 ACRES IRRIGATION
   LOT 21 SW ¼ NE ¼ 0.5 ACRES IRRIGATION
   SECTION 21
   TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by Henry Wilson, the original allottee, and Wade Crawford also a Klamath Indian.

c. The original Indian allottee fully developed the water use.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **86**
Walton claim

Current Claimant(s) of Record:

James P Reis
Beryl Reis
5500 Miller Ave.
Klamath Falls OR 97603

Original Claimant(s):

James P Reis
Beryl Reis

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 29, 1990.

3. The claim is for a total of 20 gallons per minute from one point of diversion located on Williamson River, tributary to Klamath Lake, for irrigation of 0.3 acres.

4. The claimed period of use is May 1 through October 31.

5. The claimed priority date is 1864.

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: LOT 19 SE ¼ NW ¼, Section 21, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 0.3 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 15 AND 19 SE ¼ NW ¼ 0.3 ACRES IRRIGATION
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b The claimants purchased the subject property from Wade and Ida Crawford on July 20, 1966. Wade Crawford was an Indian.

c. Wade Crawford was irrigating the property at the time of the ownership transfer.

d. The claimants have continued to irrigate the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **87**
Walton claim

Current Claimant(s) of Record:

Milburn Sallee
Jeanette Sallee
36588 Modoc Point Rd
Chiloquin OR 97624

Original Claimant(s):

Robert H Shackelford
Angelique G Shackelford

The general location of the claimed use is Section 7, Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 1 acre.

4. The claimed period of use is May through October.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

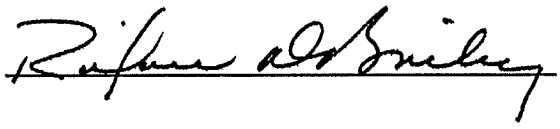
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **88**
Walton claim

Current Claimant(s) of Record:

David Petersen
Teresa Rennick
36670 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Theodore E. Siemens

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.

3. The claim is for a total of 35 gallons per minute from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 0.4 acre.

4. The claimed period of use is April through October .

5. The claimed priority date is October 14, 1864.

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 3, NE ¼ NW ¼, Section 7, Township 35 South, Range 7 East, W.M.

   SOURCE: Agency Lake, tributary to Upper Klamath Lake

   USE: irrigation of 0.4 acre

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   LOT 3 NE ¼ NW ¼ 0.4 ACRE IRRIGATION
   SECTION 7
   TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

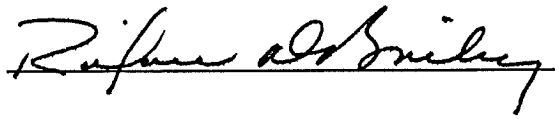
    b. The land appurtenant to the claim was formerly owned by a Klamath Indian. Theodore E. Siemens and Geraldine A. Siemens purchased the property from John C. Siemens, an enrolled Klamath Indian, on August 20, 1976.

c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **89**
Walton claim

Current Claimant(s) of Record:

Anna Mae Sisson
34343 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Anna Mae Sisson

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 26, 1990.

3. The claim is for a total of 3 gallons per minute from one point of diversion located on unnamed Spring, tributary to Agency Lake, for irrigation of "less than one acre".

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 19, Section 18, Township 35 South, Range 7 East, W.M.

   SOURCE: unnamed spring, tributary to Agency Lake

   USE: irrigation of 0.54 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 3 gallons per minute, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   GOVERNMENT LOT 19
   SECTION 18
   TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The last Indian owner of the property did not develop the claimed use.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **90**
Walton claim

Current Claimant(s) of Record:

Silverbow Ranch, LLC
Daniel C Re
Hurley, Lynch & Re
747 SW Industrial Way
Bend OR 97702

Original Claimant(s):

Kendall A. Tait

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 600 gallons per minute from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 15.4 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. The field inspection described a water wheel and pump machinery system.

7. The delivery system, as described in the field inspection report, has the capacity to deliver 460 gallons per minute.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 14, Section 21, Township 35 South, Range 7 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 15.4 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

LOT 4	4.5	ACRES IRRIGATION
LOT 7	5.8	ACRES IRRIGATION
LOT 14	0.5	ACRES IRRIGATION
LOT 15	4.1	ACRES IRRIGATION
LOT 41	0.5	ACRES IRRIGATION

SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

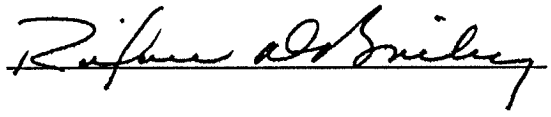
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **91**
Walton claim

Current Claimant(s) of Record:

The Nature Conservancy
821 SE 14th Ave
Portland OR 97214-2537

Original Claimant(s):

Tulana Farms

The general location of the claimed use is Township 35 South, Range 7 East, and Townships 35 and 36 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of no more than 108.36 cubic feet per second from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, including 87.03 cubic feet per second from diversion point "A" and 49.52 cubic feet per second from diversion point "C" for irrigation (including commercial crops and grazing pasture, irrigation that benefits wildlife, and irrigation of wetlands) of 4335.3 acres and incidental livestock use.

4. The claimed period of use is March 1 through December 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use substantially as claimed.

7. The delivery system for diversion point "C" has the capacity to deliver the claimed rate. However, the delivery system for diversion point "A" has the capacity to deliver only 46.16 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS:

   "A": NW ¼ NW ¼, Section 1, Township 36 South, Range 7.5 East, W.M.

   "C": Lot 12 (SE ¼ NE ¼), Section 36, Township 35 South, Range 7.5 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 4335.3 acres, including 3481.3 acres from point of diversion "A" and 1981.9 acres from point of diversion "C", and incidental livestock watering

   AMOUNT ACTUALLY BENEFICIALLY USED: 95.68 cubic feet per second, being 46.16 cubic feet per second from from point of diversion "A" and 49.52 cubic feet per second from point of diversion "C" measured at the points of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

PLACE OF USE:

Township	Range	Section	Quarter	Quarter	Diversion Point "A"	Diversion Point "C"	Total Acreage Both Diversion Points
35 South	7 East	19	NW ¼	NE ¼		0.1	0.1
			SW ¼	NE ¼		10.0	10.0
			NE ¼	NW ¼		17.6	17.6
			SE ¼	NW ¼		12.5	12.5
			NE ¼	SW ¼	38.9	38.9	38.9
			NW ¼	SW ¼	32.9	32.9	32.9
			SW ¼	SW ¼	19.7	38.4	38.4
			SE ¼	SW ¼	19.7	38.4	38.4
			NW ¼	SE ¼		18.4	18.4
			SW ¼	SE ¼		22.8	22.8
35 South	7 East	30	NW ¼	NE ¼		23.7	23.7
			SW ¼	NE ¼		0.9	0.9
			NE ¼	NW ¼		37.6	37.6
			NW ¼	NW ¼		35.4	35.4
			SW ¼	NW ¼		35.8	35.8
			SE ¼	NW ¼		38.2	38.2
			NE ¼	SW ¼		39.4	39.4
			NW ¼	SW ¼		38.5	38.5
			SW ¼	SW ¼		38.7	38.7
			SE ¼	SW ¼		32.1	32.1
			SW ¼	SE ¼		0.1	0.1
35 South	7 East	31	SW ¼	NE ¼		0.2	0.2
			NE ¼	NW ¼	17.5	18.2	18.2
			NW ¼	NW ¼		38.0	38.0
			SW ¼	NW ¼		25.4	25.4
			SE ¼	NW ¼	26.6	26.6	26.6
35 South	7½ East	24	SW ¼	SW ¼	1.6	1.6	1.6
			SE ¼	SW ¼	8.0	8.0	8.0
			NE ¼	SE ¼	21.4	21.4	21.4
			NW ¼	SE ¼	11.6	11.6	11.6
35 South	7½ East	24	SW ¼	SE ¼	43.9	43.9	43.9
			SE ¼	SE ¼		34.6	34.6
35 South	7½ East	25	NE ¼	NE ¼	18.3	36.7	36.7
			NW ¼	NE ¼	37.2	37.2	37.2
			SW ¼	NE ¼		38.4	38.4
			SE ¼	NE ¼		38.0	38.0
			NE ¼	NW ¼	36.7	36.7	36.7
			NW ¼	NW ¼	17.6	17.6	17.6
			SW ¼	NW ¼	26.8	26.8	26.8
			SE ¼	NW ¼	22.1	36.9	36.9
			NE ¼	SW ¼	18.8	35.6	35.6
			NW ¼	SW ¼	42.3	42.3	42.3
			SW ¼	SW ¼	39.4	39.4	39.4
			SE ¼	SW ¼	36.6	36.6	36.6
			NE ¼	SE ¼		39.4	39.4

Township	Range	Section	Quarter	Quarter	Diversion Point "A"	Diversion Point "C"	Total Acreage Both Diversion Points
			NW ¼	SE ¼		40.0	40.0
			SW ¼	SE ¼	19.7	39.4	39.4
			SE ¼	SE ¼		38.9	38.9
35 South	7½ East	26	SE ¼	NW ¼	0.4		0.4
			NE ¼	SW ¼	36.5		36.5
			NW ¼	SW ¼	18.0		18.0
			SW ¼	SW ¼	38.8		38.8
			SE ¼	SW ¼	38.8		38.8
			NE ¼	SE ¼	23.3	11.5	23.3
			NW ¼	SE ¼	22.5		22.5
			SW ¼	SE ¼	38.8		38.8
			SE ¼	SE ¼	34.9	17.5	34.9
35 South	7½ East	27	SW ¼	NW ¼	1.0		1.0
			NW ¼	SW ¼	10.4		10.4
			SW ¼	SW ¼	31.9		31.9
			SE ¼	SW ¼	2.1		2.1
			NE ¼	SE ¼	0.2		0.2
			SW ¼	SE ¼	1.8		1.8
			SE ¼	SE ¼	32.9		32.9
35 South	7½ East	28	SE ¼	NE ¼	13.6		13.6
			NE ¼	SE ¼	31.0		31.0
			SE ¼	SE ¼	27.6		27.6
35 South	7½ East	33	NE ¼	NE ¼	22.4		22.4
			SE ¼	NE ¼	29.0		29.0
			NE ¼	SE ¼	39.0		39.0
			SE ¼	SE ¼	9.7		9.7
35 South	7½ East	34	NE ¼	NE ¼	38.0		38.0
			NW ¼	NE ¼	34.8		34.8
			SW ¼	NE ¼	40.0		40.0
			SE ¼	NE ¼	40.0		40.0
			NE ¼	NW ¼	37.7		37.7
			NW ¼	NW ¼	40.4		40.4
			SW ¼	NW ¼	40.0		40.0
			SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	37.8		37.8
			NW ¼	SW ¼	37.8		37.8
			SW ¼	SW ¼	30.4		30.4
			SE ¼	SW ¼	38.0		38.0
			NE ¼	SE ¼	37.8		37.8
			NW ¼	SE ¼	37.8		37.8
			SW ¼	SE ¼	40.4		40.4
			SE ¼	SE ¼	40.4		40.4
35 South	7½ East	35	NE ¼	NE ¼	34.2	17.1	34.2
			NW ¼	NE ¼	38.0		38.0
			SW ¼	NE ¼	40.0		40.0
			SE ¼	NE ¼	35.1	17.5	35.1
			NE ¼	NW ¼	38.0		38.0
			NW ¼	NW ¼	38.0		38.0

Township	Range	Section	Quarter	Quarter	Diversion Point "A"	Diversion Point "C"	Total Acreage Both Diversion Points
			SW ¼	NW ¼	40.0		40.0
35 South	7½ East	35	SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	37.7		37.7
			NW ¼	SW ¼	37.8		37.8
			SW ¼	SW ¼	40.4		40.4
			SE ¼	SW ¼	40.4		40.4
			NE ¼	SE ¼	34.9	17.5	34.9
			NW ¼	SE ¼	37.6		37.6
			SW ¼	SE ¼	40.4		40.4
			SE ¼	SE ¼	35.2	17.6	35.2
35 South	7½ East	36	NE ¼	NE ¼	34.1		34.1
			NW ¼	NE ¼	25.8	25.8	25.8
			SW ¼	NE ¼	53.7	53.7	53.7
			SE ¼	NE ¼	42.5	42.5	42.5
			NE ¼	NW ¼	31.0	31.0	31.0
			NW ¼	NW ¼	39.8	39.8	39.8
			SW ¼	NW ¼	42.6	42.6	42.6
			SE ¼	NW ¼	34.9	34.9	34.9
			NE ¼	SW ¼	35.0	35.0	35.0
			NW ¼	SW ¼	42.4	42.4	42.4
			SW ¼	SW ¼	42.4	42.4	42.4
			SE ¼	SW ¼	34.8	34.8	34.8
			NW ¼	SE ¼	30.6	30.6	30.6
			SW ¼	SE ¼	16.4	16.4	16.4
36 South	7 ½ East	1	NE ¼	NW ¼		23.6	23.6
			NW ¼	NW ¼		22.2	22.2
			SW ¼	NW ¼		4.5	4.5
			SE ¼	NW ¼		1.2	1.2
			NW ¼	SW ¼		0.3	0.3
36 South	7½ East	2	NE ¼	NE ¼	28.0		28.0
			NW ¼	NE ¼	36.8		36.8
			SW ¼	NE ¼	40.0		40.0
			SE ¼	NE ¼	39.6		39.6
			NE ¼	NW ¼	36.8		36.8
36 South	7½ East		NW ¼	NW ¼	36.6		36.6
			SW ¼	NW ¼	36.8		36.8
			SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	39.9		39.9
			NW ¼	SW ¼	17.8		17.8
			SE ¼	SW ¼	16.6		16.6
			NE ¼	SE ¼	37.0		37.0
			NW ¼	SE ¼	40.0		40.0
			SW ¼	SE ¼	40.0		40.0
			SE ¼	SE ¼	28.4		28.4
36 South	7½ East	3	NE ¼	NE ¼	36.5		36.5
			NW ¼	NE ¼	23.6		23.6
			SW ¼	NE ¼	0.2		0.2
			SE ¼	NE ¼	18.0		18.0

			NE ¼	NW ¼	2.5	2.5
36 South	7½ East	11	NE ¼	NE ¼	24.7	24.7
			NW ¼	NE ¼	29.6	29.6
			SW ¼	NE ¼	22.4	22.4
			SE ¼	NE ¼	22.4	22.4
			NW ¼	SE ¼	0.2	0.2

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

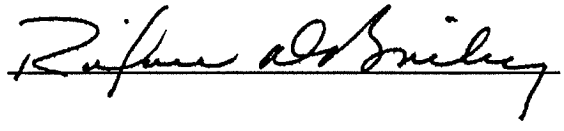
    c. Water for the claimed use was used by the last Indian owner of the property.

    d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **93**
Walton claim

Current Claimant(s) of Record:

Silverbow Ranch, LLC
Daniel C Re
Hurley, Lynch & Re
747 SW Industrial Way
Bend OR 97702

Original Claimant(s):

Raleigh and Daniel Wirth, Trustees
Wirth Family Trust

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 30, 1990.

3. The claim is for a total of 0.892 cubic feet per second from one point of diversion located on Williamson River, tributary to Agency Lake (Upper Klamath Lake), for irrigation of 13.6 acres.

4. The claimed period of use is April 15 through October 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. The field inspection described a water wheel and pump machinery system. The claim describes the system as a pump to pipeline and ditch.

7. The delivery system, as described in the claim, has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 21, Township 35 South, Range 7 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 13.6 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.34 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NE ¼ NW ¼ 4.0 ACRES IRRIGATION
   SE ¼ NW ¼ 9.6 ACRES IRRIGATION
   SECTION 21
   TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

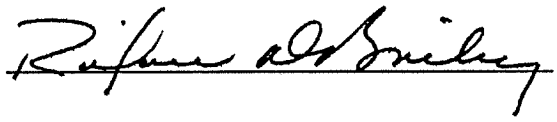
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **94**
Walton claim

Current Claimant(s) of Record:

Dale Mather
Suzi Mather
13974 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Bruce Boyd
Patricia Boyd

The general location of the claimed use is Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Sprague River, for irrigation and livestock.

4. The claimed period of use is April 1 through September 30.

5. The claimed priority date is "11-17-38".

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. The livestock use is incidental to irrigation.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 11, Township 35 South, Range 9 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation and incidental livestock use

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.2 cubic feet per second, measured at the point of diversion

    PERIOD OF USE: March 1 to October 31

    PRIORITY DATE: October 14, 1864

    PLACE OF USE:

    SW ¼ NW ¼ 14.0 IRRIGATION
    SECTION 11
    TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

11. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was fully developed by the original Allottee, who were also the last Indian owners of the property.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **95**
Walton claim

Current Claimant(s) of Record:

Clifford C Rabe
Rabe, Mary A
PO Box 84
Sprague River OR 97639

Original Claimant(s):

Clifford C Rabe
Rabe, Mary A

The general location of the claimed use is Township 35 South, Range 9 East, Township 35 South, Range 10 East, and Township 36 South, Range 9 East W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 7 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 374.8 acres and 225 head of livestock.

4. The claimed period of use is April 15 through October 15 for irrigation, and "January to January" for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For irrigation:
   RATE: 1/40 cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock:
   RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 36, Township 35 South, Range 9 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 301.1 acres and livestock use. This is less acreage than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 7.0 cubic feet per second, measured at the point of diversion and 2700 gallons per day for livestock. This is less than the amount claimed for livestock.

   PERIOD OF USE: March 1 - October 31 for irrigation
   January 1 - December 31 for livestock

   PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	3.6	ACRES IRRIGATION
NW ¼ NE ¼	10.0	ACRES IRRIGATION
SW ¼ NE ¼	35.4	ACRES IRRIGATION
SE ¼ NE ¼	34.0	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	28.8	ACRES IRRIGATION
SW ¼ SE ¼	6.2	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 36
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NW ¼	0.8	ACRES IRRIGATION
SE ¼ SW ¼	6.5	ACRES IRRIGATION
LOT 1 NW ¼ NW ¼	1.3	ACRES IRRIGATION
LOT 2 SW ¼ NW ¼	33.8	ACRES IRRIGATION
LOT 3 NW ¼ SW ¼	20.8	ACRES IRRIGATION
LOT 4 SW ¼ SW ¼	39.9	ACRES IRRIGATION

SECTION 31
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	31.5	ACRES IRRIGATION
SE ¼ NE ¼	21.0	ACRES IRRIGATION

SECTION 1
TOWNSHIP 36 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	35.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	34.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	28.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 36
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NW ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 6.5 ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼ 33.8 ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SW ¼ 20.8 ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ SW ¼ 39.9 ACRES IRRIGATION AND LIVESTOCK
SECTION 31
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 31.5 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 21.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 1
TOWNSHIP 36 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **97**
Walton claim

Current Claimant(s) of Record:

Donald Lawless
Marlene and Lewis Lawless
P.O. Box 1328
Grants Pass OR 97526

Original Claimant(s):

Carter Air Balance, Inc.

The general location of the claimed use is Townships 35 and 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 14 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 720 acres and livestock.

4. The claimed period of use is May 1 through October 1 for irrigation, and year-round for livestock.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership for all of the claimed lands, or the first date(s) of transfer to non-Indian ownership.

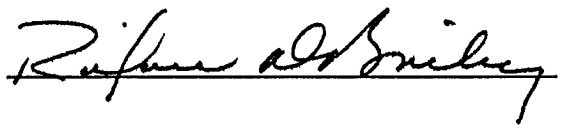
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **98**
Walton claim

Current Claimant(s) of Record:

Tillie L Goold
Parks, Del; Trustee; Tillie L Goold Trust
905 Main St, Ste 200
Klamath Falls OR 97601

Original Claimant(s):

Tillie L Goold
Parks, Del; Trustee; Tillie L Goold Trust

The general location of the claimed use is Township 35 South, Range 9 East, Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 6.44 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation and livestock.

4. The claimed period of use is May 1 through October 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. The livestock use is incidental to irrigation.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For irrigation use:
   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 36, Township 35 South, Range 9 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 370.4 acres and incidental livestock use. This is a smaller area than what was claimed.

    AMOUNT ACTUALLY BENEFICIALLY USED: 6.44 cubic feet per second, measured at the point of diversion

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: October 14, 1864

    PLACE OF USE:

    SW ¼ SE ¼ 1.7 ACRES IRRIGATION
    SE ¼ SE ¼ 24.7 ACRES IRRIGATION
    SECTION 25
    TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 34.5 ACRES IRRIGATION
NW ¼ NE ¼ 17.4 ACRES IRRIGATION
SE ¼ NE ¼ 0.9 ACRES IRRIGATION
SECTION 36
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 40.0 ACRES IRRIGATION
SE ¼ SE ¼ 28.4 ACRES IRRIGATION
LOT 4 SW ¼ SW ¼ 37.7 ACRES IRRIGATION
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 30.0 ACRES IRRIGATION
NW ¼ NE ¼ 29.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 10.0 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 35.3 ACRES IRRIGATION
LOT 2 SW ¼ NW ¼ 0.8 ACRES IRRIGATION
SECTION 31
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

11. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. For the lands described in item 10 above, referred to in the claim as "Exhibit A", water for the claimed use was used by the last Indian owner of the property and further diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

d. Other lands were claimed, described in the claim as "Exhibit B", being 67.4 acres located in Section 30, Township 35 South, Range 10 East, W.M.. For these lands, the record does not establish that water was used by the last Indian owner nor that water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **99**
Walton claim

Current Claimant(s) of Record:

Craig Cahoon
Debra Cahoon
19373 Eighmy Rd
Cottonwood CA 96022

Original Claimant(s):

D. G. Richardson

The general location of the claimed use is Township 36 South, Range 10 East, W.M. and Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.

3. The claim is for a total of 11.1 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 600 acres.

4. The claimed period of use is April through October.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection.

7. The delivery system has the capacity to deliver 2.96 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 4, Township 36 South, Range 10 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 494.2 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 2.96 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: April 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NE ¼ SE ¼	21.5	ACRES IRRIGATION
NW ¼ SE ¼	15.0	ACRES IRRIGATION
SW ¼ SE ¼	40.0	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 32
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NW ¼ SW ¼	1.1	ACRES IRRIGATION
SW ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	30.0	ACRES IRRIGATION

SECTION 33
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

	SW ¼ NW ¼	24.6	ACRES IRRIGATION
LOT 3	NE ¼ NW ¼	38.0	ACRES IRRIGATION
LOT 4	NW ¼ NW ¼	40.0	ACRES IRRIGATION

SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

	SW ¼ NE ¼	40.0	ACRES IRRIGATION
	SE ¼ NE ¼	40.0	ACRES IRRIGATION
	SE ¼ NW ¼	14.0	ACRES IRRIGATION
LOT 1	NE ¼ NE ¼	40.0	ACRES IRRIGATION
LOT 2	NW ¼ NE ¼	40.0	ACRES IRRIGATION
LOT 3	NE ¼ NW ¼	30.0	ACRES IRRIGATION

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The lands appurtenant to the claim was formerly owned by a Klamath Indians.

c. Portions of the water for the claimed use were developed by the last Indian owners of the property.

d. Except as described in paragraph 10 (e), the portions of the property not developed by the last Indian owners were developed with reasonable diligence by non-Indian owners of the property after transfer from the last Indian owner.

e. The record indicates that the acreage claimed in the SE ¼ SW ¼, of Section 32, Township 35 South, Range 10 East, W.M., were not developed by the last Indian owner and were not diligently developed after the transfer from Indian ownership.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **100**
Walton claim

Current Claimant(s) of Record:

Leta Mae Johnson
10440 Hill Road
Klamath Falls OR 97603

Original Claimant(s):

Leta May Johnson

The general location of the claimed use is Township 35 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 8.5 cubic feet per second from two points of diversion located on an unnamed stream, tributary to Sprague River, for irrigation of 340 acres.

4. The claimed period of use is March through July 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

   c. The record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **101**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 1 cubic feet per second from Sycan River for livestock watering for 1500 head.

4. The claimed period of use is year round.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. There is no delivery system; livestock drink directly from the source.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: livestock drink directly from the source within the area described under PLACE OF USE below

   SOURCE: Sycan River, tributary to Sprague River

   USE: livestock watering for 1500 head

   AMOUNT ACTUALLY BENEFICIALLY USED: 18,000 gallons per day, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 5
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼
SE ¼ NE ¼
SECTION 6
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
NE ¼ SW ¼
NW ¼ SW ¼
NE ¼ SE ¼
SECTION 8
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ SW ¼
SW ¼ SW ¼
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
SECTION 16
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. It is unclear whether water for the claimed use was used by the last Indian owner of the property; however, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **102**
Walton claim

Current Claimant(s) of Record:

Marvin Dean Walker
PO Box 190
Beatty OR 97621

Original Claimant(s):

Marvin Dean Walker

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 7.2 cubic feet per second from points of diversion located on the Sycan River and Snake Creek, tributary to Sprague River, for irrigation of 280 acres.

4. The claimed period of use is April through October.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No diversion point; subirrigation

SOURCE: unnamed springs, tributary to Snake Creek

USE: irrigation of 59.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.49 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 20.0 ACRES IRRIGATION
SE ¼ NE ¼ 34.3 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼ 4.2 ACRES IRRIGATION
SE ¼ SE ¼ 1.0 ACRES IRRIGATION
SECTION 35
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 34, Township 35 South, Range 12 East, W.M.

SOURCE: Snake Creek, tributary to Sycan River

USE: irrigation of 137.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.11 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	38.0	ACRES IRRIGATION
NW ¼ SE ¼	36.4	ACRES IRRIGATION
SW ¼ SE ¼	25.6	ACRES IRRIGATION
SE ¼ SE ¼	37.5	ACRES IRRIGATION

SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 34, Township 35 South, Range 12 East, W.M.

SOURCE: Snake Creek, tributary to Sycan River

USE: irrigation of 48.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.22 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 33.0 ACRES IRRIGATION
SE ¼ SW ¼ 13.5 ACRES IRRIGATION
SW ¼ SE ¼ 2.1 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 34, Township 35 South, Range 12 East, W.M.

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 21.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.55 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 17.2 ACRES IRRIGATION
SW ¼ SE ¼ 4.7 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

9. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was not used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

10. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **103**
Walton claim

Current Claimant(s) of Record:

John Kronenberger
13673 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Russell Walsh
Edith Walsh

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 9, 1990.

3. The claim is for a total of six cubic feet per second from three points of diversion located on Brown Creek and Sycan River, tributaries to Sprague River, for irrigation of 240 acres.

4. The claimed period of use is April 15 through September 30.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed, as well as additional acreage irrigated.

7. The claimant has not provided sufficient information to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 28, Township 35 South, Range 12 East, W.M.

SOURCE: Brown Creek, tributary to Sprague River

USE: irrigation of 63.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.56 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 39.2 ACRES IRRIGATION
SECTION 28
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NE ¼ 20.0 ACRES IRRIGATION
SW ¼ NE ¼ 4.6 ACRES IRRIGATION
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 28, Township 35 South, Range 12 East, W.M. (West)

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 82.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.05 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	15.5	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	0.8	ACRES IRRIGATION
SE ¼ SE ¼	17.8	ACRES IRRIGATION

SECTION 28
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NW ¼	8.0	ACRES IRRIGATION

SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 28, Township 35 South, Range 12 East, W.M. (East)

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 130.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.25 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 23.3 ACRES IRRIGATION
SE ¼ SE ¼ 21.4 ACRES IRRIGATION
SECTION 28
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼ 4.6 ACRES IRRIGATION
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼ 4.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 30.0 ACRES IRRIGATION
SE ¼ NW ¼ 7.6 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. It is unclear whether water for the claimed use was used by the last Indian owner of the property; however, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **104**
Walton claim

Current Claimant(s) of Record:

Myron E Yadon
519 Fulton St
Klamath Falls OR 97601

Original Claimant(s):

Myron E Yadon

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 8, 1990.

3. The claim is for a total of 0.015 cubic feet per second from one point of diversion located on Ponina Creek, tributary to Snake Creek, for domestic and irrigation of 2 acres.

4. The claimed period of use is "year around".

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the domestic use as claimed. The Department performed a field inspection relating to water use permit 31279 which found domestic use and irrigation use of 0.6 acre.

7. The delivery system has the capacity to deliver 0.01 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Domestic:
RATE: 0.01 cfs/dwelling SEASON: January 1 - December 31

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: LOT 5 SE ¼ NE ¼, Section 1, Township 35 South, Range 12 East, W.M.

SOURCE: Ponina Creek, tributary to Snake Creek

USE: domestic and irrigation of 0.6 acre. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion, for domestic and irrigation of 0.6 acre. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31 for domestic; March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 5 SE ¼ NE ¼ 0.6 ACRES IRRIGATION AND DOMESTIC
SECTION 1
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

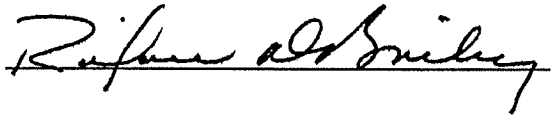
    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **105**
Walton claim

Current Claimant(s) of Record:

Rodney N Murray
1945 Painter St
Klamath Falls OR 97601

Original Claimant(s):

Rodney N Murray

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 2.51 cubic feet per second from two points of diversion located on Five Mile Creek, tributary to Sprague River, for livestock watering for 200 head and irrigation of 72.6 acres.

4. The claimed period of use is April 1 to November 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the amounts indicated in item 9 below.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION "A" LOCATION: NW ¼ NE ¼, Section 34, Township 35 South, Range 13 East, W.M.

SOURCE: Fivemile Creek, tributary to North Fork Sprague River

USE: irrigation of 35.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.88 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	6.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	3.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 27
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

NW ¼ NE ¼	20.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	2.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	2.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

POINT OF DIVERSION "B" LOCATION: SW ¼ SE ¼, Section 27, Township 35 South, Range 13 East, W.M.

SOURCE: Fivemile Creek, tributary to North Fork Sprague River

USE: irrigation of 37.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.94 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 1.7 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 26.7 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

NE ¼ SE ¼ 8.9 ACRES IRRIGATION AND LIVESTOCK
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 2400 gallons per day from both points of diversion

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed use was fully developed by Indian owners of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **106**
Walton claim

Current Claimant(s) of Record:

John and Rosemary Young: Trustees for
Young Family Trust
26 Arastradero Road
Portola Valley CA 94028

Original Claimant(s):

John and Rosemary Young: Trustees for
Young Family Trust

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Fivemile Creek, tributary to Sprague River, for domestic including irrigation of 1 acre of lawn and garden.

4. The claimed period of use is April 1 through December 1.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For domestic including lawn and garden use:SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 1, Township 35 South, Range 13 East , W.M.

   SOURCE: Fivemile Creek, tributary to Sprague River

   USE: domestic including lawn and garden

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   SE ¼ SE ¼ 1.0 ACRE DOMESTIC INCLUDING LAWN AND GARDEN
   SECTION 1
   TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

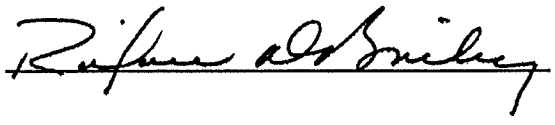
c. Water for the claimed use was not used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **107**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 1 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for "Industrial/Fire suppression" use.

4. The claimed period of use is year round.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed use, "Industrial/Fire suppression," is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

CONCLUSION

7. The claimed use is not a primary purpose for which the reservation was established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **108**
Walton claim

Current Claimant(s) of Record:

Steven N Beck
7550 Carrisa Hwy
Santa Margarita CA 93453

Original Claimant(s):

Steven N Beck

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 11 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 440 acres.

4. The claimed period of use is May 1 through October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 1.68 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 3, Township 36 South, Range 10 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 280.3 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.68 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NE ¼ NE ¼	5.0	ACRES IRRIGATION
NW ¼ NE ¼	35.9	ACRES IRRIGATION
NE ¼ NW ¼	36.0	ACRES IRRIGATION
NW ¼ NW ¼	7.5	ACRES IRRIGATION
SW ¼ NW ¼	38.0	ACRES IRRIGATION
SE ¼ NW ¼	37.5	ACRES IRRIGATION
NE ¼ SW ¼	31.4	ACRES IRRIGATION
NW ¼ SW ¼	40.0	ACRES IRRIGATION
SW ¼ SW ¼	10.4	ACRES IRRIGATION

SECTION 2
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

SW ¼ SE ¼ 3.8 ACRES IRRIGATION
SE ¼ SE ¼ 34.8 ACRES IRRIGATION
SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **109**
Walton claim

Current Claimant(s) of Record:

Lynne R Cabral
DG and Jean Richardson
21910 Sprague River Road
Chiloquin OR 97624

Original Claimant(s):

Richard Cabral

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 22, 1991.

3. The claim is for a total of 12.2 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 500 acres.

4. The claimed period of use is April 15 through October 15.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 2.61 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, Section 3, Township 36 South, Range 10 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 312.8 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 2.61 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NW ¼ SW ¼ 2.0 ACRES IRRIGATION
SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NE ¼	20.0	ACRES IRRIGATION
SW ¼ NW ¼	14.7	ACRES IRRIGATION
SE ¼ NW ¼	37.0	ACRES IRRIGATION
NE ¼ SW ¼	40.0	ACRES IRRIGATION
NW ¼ SW ¼	35.0	ACRES IRRIGATION
SW ¼ SW ¼	35.0	ACRES IRRIGATION
SE ¼ SW ¼	36.0	ACRES IRRIGATION
NE ¼ SE ¼	16.1	ACRES IRRIGATION

NW ¼ SE ¼ 39.0 ACRES IRRIGATION
SW ¼ SE ¼ 20.0 ACRES IRRIGATION
SE ¼ SE ¼ 18.0 ACRES IRRIGATION
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used not developed by the last Indian owner of the property.

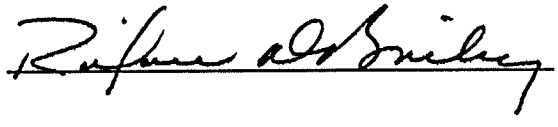
d. The water use was by Panky, the first non-Indian owner of the property the property, diligently developed a portion of the use after transfer from Indian ownership.

e. For the 76.9 acres not identified above as being beneficially used, the claim does not establish that the irrigation was diligently developed. These acres were developed over 20 years after the lands transferred from Indian ownership.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **110**
Walton claim

Current Claimant(s) of Record:

Gloria Campbell
1505 SE Ramona St
Portland OR 97202

Original Claimant(s):

Gloria Campbell

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 25, 1991.

3. The claim is for a total of 3.33 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of est. 60 acres.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

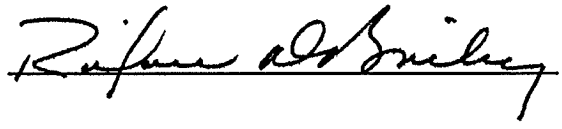
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **112**
Walton claim

Current Claimant(s) of Record:

Sarah A Dexter
Alta M and Lloyd D Vansickle
PO Box 375
Sprague River OR 97639

Original Claimant(s):

Sarah A Dexter
Alta M and Lloyd D Vansickle

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 2.76 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for 110.4 acres of irrigation, and stock.

4. The claimed period of use is May 1 through October 1 for irrigation and year round for stock.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection which found the use as claimed. The Department performed a field inspection which did not entirely cover the lands involved in the claim.

7. The delivery system has the capacity to deliver 1.68 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 3, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 110.4 acres and livestock use.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.68 cubic feet per second for irrigation, and 696 gallons per day for livestock, measured at the point of diversion. This is less than the amount claimed for both uses.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	19.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼		LIVESTOCK
SE ¼ SW ¼		LIVESTOCK

NE ¼ SE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	26.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

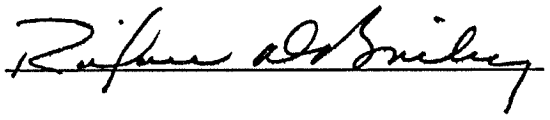
    c. Water for the claimed use was used by the last Indian owner of the property.

    d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **113**
Walton claim

Current Claimant(s) of Record:

Hickey Ranches Inc
PO Box 67
Merrill OR 97633

Original Claimant(s):

Hickey Ranches Inc

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 17.3 cubic feet per second from Whiskey Creek, tributary to Sprague River, and Sprague River, tributary to Williamson River, for irrigation of 370 acres and livestock.

4. The claimed period of use is April 1 to October 15.

5. The claimed priority date is 1864.

6. A private engineer or surveyor performed a field inspection in March 1920 which found the use as from Whiskey Creek as described in item 9 below.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 196.8 acres and livestock watering for 1,000 head

AMOUNT ACTUALLY BENEFICIALLY USED: 4.92 cubic feet per second for irrigation, and 12,000 gallons per day for livestock watering, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ SE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 22 NE ¼ SW ¼	9.2	ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼	10.7	ACRES IRRIGATION AND LIVESTOCK
LOT 24 NE ¼ SE ¼	16.2	ACRES IRRIGATION AND LIVESTOCK

LOT 25 SE ¼ SE ¼ 18.8 ACRES IRRIGATION AND LIVESTOCK
LOT 26 SW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 27 SE ¼ SW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK
LOT 30 SE ¼ SW ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼ 10.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 11
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2 NW ¼ NE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ NW ¼ 18.8 ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW ¼ NW ¼ 18.0 ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NW ¼ 7.5 ACRES IRRIGATION AND LIVESTOCK
LOT 6 NE ¼ NW ¼ 9.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use from Whiskey Creek was used by the last Indian owner of the property to the extent described in item 9 above. The record does not contain evidence that water for the claimed use from Sprague River was used by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **114**
Walton claim

Current Claimant(s) of Record:

Duane Martin
2021 Hwy 88
Ione CA 95640-9113

Original Claimant(s):

Duane Martin

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.

3. The claim is for an unspecified quantity of water from the Sprague River, tributary to Williamson River, for irrigation.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.

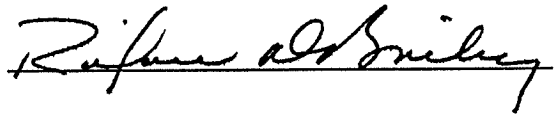
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **115**
Walton claim

Current Claimant(s) of Record:

Lula M Smith
4527 El Cerrito Way
Klamath Falls OR 97603

Original Claimant(s):

Lula M Smith

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 29, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for a total of 5.71 cubic feet per second from one point of diversion located on Whiskey Creek, tributary to Sprague River, for irrigation of 188.1 acres and for 150 pairs of stock.

4. The claimed period of use is April 1 through October 1 for irrigation and year round for stock watering.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

   SOURCE: Whiskey Creek, tributary to Sprague River

   USE: irrigation of 179.5 acres and livestock use. This is less acreage than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 4.49 cubic feet per second, measured at the point of diversion for irrigation and 3600 gallons per day for livestock. This is less than the amount claimed for both uses.

   PERIOD OF USE: March 1 - October 31 for irrigation
   January 1 - December 31 for livestock

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

LOT 21 NW ¼ SW ¼	1.6	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	9.7	ACRES IRRIGATION
LOT 28 SW ¼ SW ¼	15.9	ACRES IRRIGATION
LOT 29 SW ¼ SW ¼	16.6	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	15.5	ACRES IRRIGATION

SECTION 12
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2	NW ¼ NE ¼	7.8	ACRES IRRIGATION
LOT 3	NE ¼ NW ¼	19.8	ACRES IRRIGATION
LOT 4	NW ¼ NW ¼	9.0	ACRES IRRIGATION
LOT 5	NW ¼ NW ¼	5.5	ACRES IRRIGATION
LOT 6	NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 7	NW ¼ NE ¼	16.9	ACRES IRRIGATION
LOT 10	SW ¼ NE ¼	13.7	ACRES IRRIGATION
LOT 11	SE ¼ NW ¼	15.1	ACRES IRRIGATION
LOT 12	SW ¼ NW ¼	2.0	ACRES IRRIGATION
LOT 15	SW ¼ NE ¼	10.5	ACRES IRRIGATION

SECTION 13
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 21	NW ¼ SW ¼	LIVESTOCK
LOT 27	SE ¼ SW ¼	LIVESTOCK
LOT 28	SW ¼ SW ¼	LIVESTOCK
LOT 29	SW ¼ SW ¼	LIVESTOCK
LOT 30	SE ¼ SW ¼	LIVESTOCK

SECTION 12
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2	NW ¼ NE ¼	LIVESTOCK
LOT 3	NE ¼ NW ¼	LIVESTOCK
LOT 4	NW ¼ NW ¼	LIVESTOCK
LOT 5	NW ¼ NW ¼	LIVESTOCK
LOT 6	NE ¼ NW ¼	LIVESTOCK
LOT 7	NW ¼ NE ¼	LIVESTOCK
LOT 10	SW ¼ NE ¼	LIVESTOCK
LOT 11	SE ¼ NW ¼	LIVESTOCK
LOT 12	SW ¼ NW ¼	LIVESTOCK
LOT 15	SW ¼ NE ¼	LIVESTOCK

SECTION 13
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

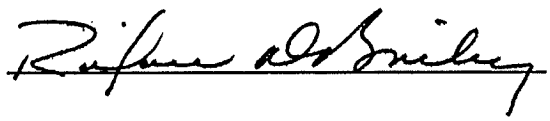
c. The irrigation of 179.5 acres was developed by the Indian owner around 1916.

d. The 8.6 acres of irrigation not allowed was developed in 1962. This is not considered diligent development.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **116**
Walton claim

Current Claimant(s) of Record:

Hugh D Stevenson
7906 Hwy 140 E
Klamath Falls OR 97603

Original Claimant(s):

Hugh D Stevenson

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.

3. The claim is for a total of 1.18 cubic feet per second from one point of diversion located on Modoc Billy Creek, tributary to Sprague River, for irrigation of 47.1 acres.

4. The claimed period of use is Mid February through July 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.

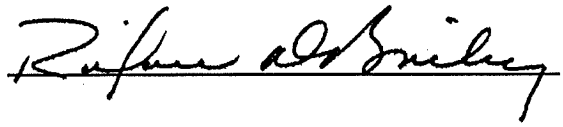
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **117**
Walton claim

Current Claimant(s) of Record:

Bruce S Topham
35133 Sprague River Rd
Sprague River OR 97639

Original Claimant(s):

Bruce S Topham

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.

3. The claim is for a total of 6.69 cubic feet per second from two points of diversion located on Whiskey Creek and one point of diversion located on an unnamed spring, tributaries to Sprague River, for irrigation of 306.5 acres, livestock use and domestic use.

4. The claimed period of use is May 1 through October 15 for irrigation and year round for domestic and livestock use.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the entire claim.

7. The delivery systems for point of diversion #1 and point of diversion #2 have the capacity to deliver the claimed amount. However, point of diversion #3 has the capacity to deliver 2.28 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   Domestic:
   RATE: 0.01 cfs/household SEASON: January 1 - December 31

   Livestock:
   RATE: 12 gpd/head SEASON: January 1 - December 31

   Irrigation:
   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: point of diversion #1 - Government Lot 32, SE ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

   SOURCE: an unnamed spring, tributary to Sprague River

   USE: domestic use for one household

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ DOMESTIC USE FOR ONE HOUSEHOLD
SECTION 24
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: point of diversion #2 - Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 77.6 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.94 cubic feet per second, measured at the point of diversion for irrigation of 77.6 acres.

PERIOD OF USE: March 1 - October 31 for irrigation of 77.6 acres
January 1 - December 31 for livestock use

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 18 NW ¼ SE ¼	16.5	ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼	10.6	ACRES IRRIGATION AND LIVESTOCK
LOT 25 SE ¼ SE ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
LOT 26 SW ¼ SE ¼	11.1	ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼	16.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: point of diversion #3 - Government Lot 32, SE ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 151.9 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.28 cubic feet per second, measured at the point of diversion for irrigation of 151.9 acres.

PERIOD OF USE: March 1 - October 31 for irrigation of 151.9 acres
January 1 - December 31 for livestock use

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 27 SE ¼ SW ¼ 6.9 ACRES IRRIGATION AND LIVESTOCK
LOT 30 SE ¼ SW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼ 11.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 23.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 17.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 28.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 24
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 7200 gallons per day for 600 head (0.13 cubic feet per second); stock drink directly from point of diversion #2 and point of diversion #3, as well as the canals.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property within a reasonable time period after transfer from the last Indian owner.

e. For the 77.0 acres not identified above as being beneficially used, the claim does not establish that the irrigation was diligently developed. These acres were developed over 17 years after the lands transferred from Indian ownership.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **118**
Walton claim

Current Claimant(s) of Record:

George Dougan
Dougan, Ruth
PO Box 158
Beatty OR 97621

Original Claimant(s):

George Dougan
Dougan, Ruth

The general location of the claimed use is Section 32, Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.

3. The claim is for a total of 1 cubic foot per second from one point of diversion located on Riddle Spring, tributary to East Branch Whiskey Creek, for irrigation of 44.2 acres.

4. The claimed period of use is February - October.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

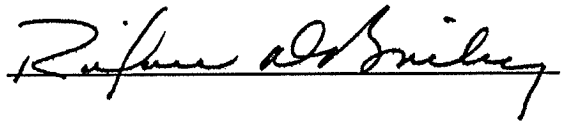
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **119**
Walton claim

Current Claimant(s) of Record:

F M S Shorthorn Ranch
PO Box 38
Beatty OR 97621

Original Claimant(s):

F M S Shorthorn Ranch

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 19, 1990.

3. The claim is for a total of 5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Sprague River, for irrigation of 96.5 acres, domestic use, and livestock.

4. The claimed period of use is April 1 to September 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

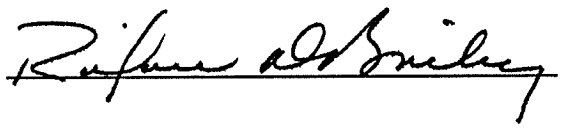
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **120**
Walton claim

Current Claimant(s) of Record:

Con J Flynn
421 South G
Lakeview OR 97630

Original Claimant(s):

Con J Flynn

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 6.63 cubic feet per second from two points of diversion located on Spring at head of Spring Creek and Brown Creek, tributary to Sprague River, for irrigation of 265 acres.

4. The claimed period of use is March 15 through October 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

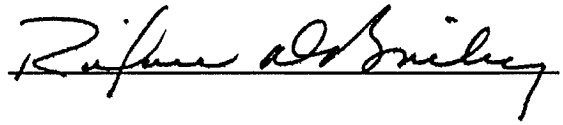
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **121**
Walton claim

Current Claimant(s) of Record:

Con J Flynn
Flynn, Nora P and John C
421 South G
Lakeview OR 97630

Original Claimant(s):

Con J Flynn
Flynn, Nora P and John C

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 2.64 cubic feet per second from two points of diversion located on Spring at head of Spring Creek and Brown Creek, tributary to Sprague River, for irrigation of 105.6 acres.

4. The claimed period of use is March 15 through October 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

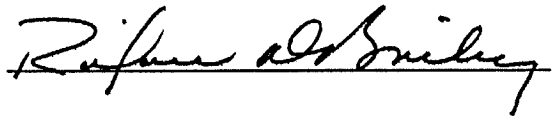
   c. Water for the claimed use was used by the last Indian owner of the property; however, the record does not establish the extent of development on transfer from Indian ownership.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **122**
Walton claim

Current Claimant(s) of Record:

Flynn Bros.
421 South G
Lakeview OR 97630

Original Claimant(s):

Flynn Brothers

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 14.47 cubic feet per second from two points of diversion located on Brown Creek and unnamed stream, tributary to Sprague River, for irrigation of 553.2 acres.

4. The claimed period of use is March 15 through October 15.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The record does not establish a transfer from Klamath Indian ownership.

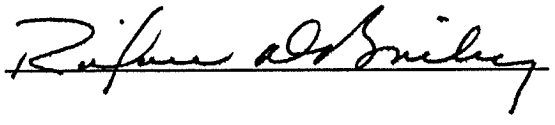
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **123**
Walton claim

Current Claimant(s) of Record:

John Kronenberger
13673 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Charles A Gunn

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 19, 1990.

3. The claim is for a total of 8.7 cubic feet per second from five points of diversion located on Sycan River, tributary to Sprague River, for irrigation of 415 acres.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The NE ¼ of Section 10 has been owned by an Indian, but the record does not indicate the date of transfer to a non-Indian. The record does not establish a transfer from Klamath Indian ownership for any other claimed lands.

   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **124**
Walton claim

Current Claimant(s) of Record:

Claude Taylor
PO Box 291
Beatty OR 97621

Richard Duarte
9701 Harvey Road
Galt CA 95632

Original Claimant(s):

John House

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 17.34 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 695.1 acres.

4. The claimed period of use is March 10 through November 10.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. Since the claim was filed, the property appurtenant to the claim has been sold. The property north of the Sprague River, served by the "north" diversion point, is owned by Richard Duarte. The property south of Sprague River, served by the "south" diversion point, is owned by Claude Taylor.

8. The delivery system for the "north" diversion point has the capacity to deliver the claimed amount for the lands north of the Sprague River. However, the delivery system for the "south" diversion point has the capacity to deliver 1.83 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limit

    "North" Diversion Point - Lands north of Sprague River:

    POINT OF DIVERSION LOCATION: Government Lot 30, SE ¼ SW ¼, Section 8, Township 36 South, Range 12 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 307.3 acres

    AMOUNT ACTUALLY BENEFICIALLY USED: 7.67 cubic feet per second, measured at the point of diversion.

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼	14.4	ACRES IRRIGATION
SE ¼ SW ¼	22.0	ACRES IRRIGATION
NE ¼ SE ¼	7.1	ACRES IRRIGATION
NW ¼ SE ¼	1.1	ACRES IRRIGATION
SW ¼ SE ¼	31.6	ACRES IRRIGATION
SE ¼ SE ¼	30.5	ACRES IRRIGATION

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1 NE ¼ NE ¼	14.3	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	19.0	ACRES IRRIGATION
LOT 7 NW ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 8 NE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 9 SE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 10 SW ¼ NE ¼	19.5	ACRES IRRIGATION
LOT 15 SW ¼ NE ¼	19.5	ACRES IRRIGATION
LOT 16 SE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 19 NE ¼ SW ¼	18.2	ACRES IRRIGATION
LOT 20 NW ¼ SW ¼	9.7	ACRES IRRIGATION
LOT 22 NE ¼ SW ¼	11.0	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	8.6	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	0.8	ACRES IRRIGATION

SECTION 8
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

"South" Diversion Point - Lands north of Sprague River:

POINT OF DIVERSION LOCATION: Government Lot 16, SE ¼ NE ¼, Section 17, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 387.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.83 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 21 NW ¼ SW ¼	3.5	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	1.4	ACRES IRRIGATION
LOT 28 SW ¼ SW ¼	14.8	ACRES IRRIGATION
LOT 29 SW ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	17.2	ACRES IRRIGATION
LOT 31 SW ¼ SE ¼	11.1	ACRES IRRIGATION

SECTION 8
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 2 NW ¼ NE ¼	6.2	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 5 NW ¼ NW ¼	19.9	ACRES IRRIGATION
LOT 6 NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 7 NW ¼ NE ¼	15.2	ACRES IRRIGATION
LOT 8 NE ¼ NE ¼	5.1	ACRES IRRIGATION
LOT 9 SE ¼ NE ¼	15.2	ACRES IRRIGATION
LOT 10 SW ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 11 SE ¼ NW ¼	19.5	ACRES IRRIGATION
LOT 12 SW ¼ NW ¼	16.7	ACRES IRRIGATION
LOT 13 SW ¼ NW ¼	11.5	ACRES IRRIGATION
LOT 14 SE ¼ NW ¼	18.5	ACRES IRRIGATION
LOT 15 SW ¼ NE ¼	18.8	ACRES IRRIGATION
LOT 16 SE ¼ NE ¼	17.7	ACRES IRRIGATION
LOT 17 NE ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 18 NW ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 19 NE ¼ SW ¼	12.7	ACRES IRRIGATION
LOT 20 NW ¼ SW ¼	0.8	ACRES IRRIGATION
LOT 23 NW ¼ SE ¼	3.5	ACRES IRRIGATION
LOT 24 NE ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 25 SE ¼ SE ¼	6.0	ACRES IRRIGATION

SECTION 17
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

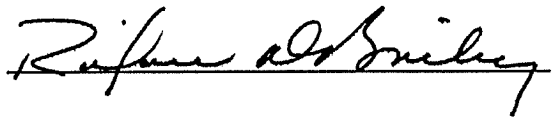
c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **126**
Walton claim

Current Claimant(s) of Record:

C A Matney
Matney, Ada R
14981 Matney Rd
Klamath Falls OR 97603

Original Claimant(s):

C A Matney
Matney, Ada R

The general location of the claimed use is Section 9, Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of one cubic foot per second from one point of diversion located on an unnamed stream, tributary to Sprague River, for irrigation. The claimant did not specify the number of acres irrigated.

4. The claimed period of use is April through September.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by Joshua William, a Klamath Indian. Ownership transferred to non-Indians in 1956.

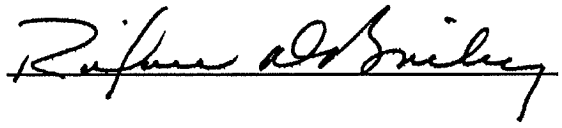
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **127**
Walton claim

Current Claimant(s) of Record:

C A Matney
Matney, Ada R
14981 Matney Rd
Klamath Falls OR 97603

Original Claimant(s):

C A Matney
Matney, Ada R

The general location of the claimed use is Section 15, Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of one cubic foot per second from one point of diversion located on Brown Spring, tributary to Sprague River, for irrigation. The claimant did not specify the number of acres irrigated.

4. The claimed period of use is April through September.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The land appurtenant to the claim was formerly owned by Lawrence Raymond Head and Barbara Jean Head, Klamath Indians. Ownership transferred to non-Indians in 1957.

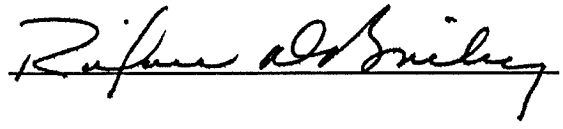
   c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.

   d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **128**
Walton claim

Current Claimant(s) of Record:

William L Gallagher
Whiskey Creek Ranch
PO Box 309
Beatty OR 97621

Original Claimant(s):

William L Gallagher
Whiskey Creek Ranch

The general location of the claimed use is Township 36 South, Ranges 11 and 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 16, 1991.

3. The claim is for a total of 18.2 cubic feet per second from nine points of diversion located on Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River, and Modoc Billy Creek, Lola-K-Wast Spring, and unnamed springs, tributaries to Whiskey Creek, for irrigation of 724.7 acres and domestic use.

4. The claimed period of use is April 1 through November 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimant has divided the claim into eleven areas, as described below under item 9. The Department performed a field inspection and obtained aerial photographs which found the use as claimed in all areas except Area 10. A private engineer or surveyor prepared a map showing lands claimed in addition to lands mapped by the Department (Area 10).

7. The delivery system has the capacity to deliver the claimed amount for Areas 1, 2, 3, 7, 8, 9, 10, and 11. The delivery systems for Areas 4 and 6 has the capacity to deliver 1.81 cubic feet per second and 0.58 cubic feet per second, respectively. The claimant did not specify a claimed rate for Area 5; the delivery system for Area 5 has the capacity to deliver 0.58 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Domestic:
RATE: 0.01 cfs/dwelling SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

Area #1:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River

USE: irrigation of 55.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.25 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	26.6	ACRES IRRIGATION
SE ¼ SW ¼	29.1	ACRES IRRIGATION

SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #2:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River

USE: irrigation of 55.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.99 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	31.4	ACRES IRRIGATION
NW ¼ SE ¼	25.4	ACRES IRRIGATION
SW ¼ SE ¼	20.5	ACRES IRRIGATION
SE ¼ SE ¼	6.5	ACRES IRRIGATION

SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #3:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek

USE: irrigation of 147.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.41 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	SW ¼ NE ¼	0.6	ACRES IRRIGATION
	NE ¼ NW ¼	29.8	ACRES IRRIGATION
	SE ¼ NW ¼	35.2	ACRES IRRIGATION
LOT 1	NW ¼ NW ¼	37.2	ACRES IRRIGATION
LOT 2	SW ¼ NW ¼	44.5	ACRES IRRIGATION

SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #4:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 36, Township 36 South, Range 11 East, W.M.

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek

USE: irrigation of 232.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.81 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	SW ¼ SE ¼	0.6	ACRES IRRIGATION

SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

	NE ¼ NE ¼	26.6	ACRES IRRIGATION
	NW ¼ NE ¼	12.0	ACRES IRRIGATION
	SW ¼ NE ¼	0.3	ACRES IRRIGATION
	SE ¼ NE ¼	29.7	ACRES IRRIGATION

NE ¼ SE ¼ 15.6 ACRES IRRIGATION
SE ¼ SE ¼ 2.0 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NE ¼ SW ¼ 1.9 ACRES IRRIGATION
SE ¼ SW ¼ 7.2 ACRES IRRIGATION
LOT 3 NW ¼ SW ¼ 44.4 ACRES IRRIGATION
LOT 4 SW ¼ SW ¼ 44.5 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼ 4.1 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 43.8 ACRES IRRIGATION
SECTION 31
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #5:

POINT OF DIVERSION LOCATION: Lot 2, NW ¼ NE ¼, Section 1, Township 37 South, Range 11 East, W.M.

SOURCE: unnamed springs, tributary to Whiskey Creek

USE: irrigation of 20.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.52 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 7.2 ACRES IRRIGATION
SE ¼ SE ¼ 13.5 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #6:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek

USE: irrigation of 47.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.58 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 13.8 ACRES IRRIGATION
NW ¼ SE ¼ 32.0 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #7:

POINT OF DIVERSION LOCATIONS: SW ¼ NE ¼ and SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M. (Water from points of diversion for Areas 2 and 6 commingle and serve Area 7.)

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek, and Whiskey Creek, tributary to Sprague River

USE: irrigation of 23.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.51 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 1.4 ACRES IRRIGATION
SE ¼ NW ¼ 4.8 ACRES IRRIGATION
NE ¼ SW ¼ 11.5 ACRES IRRIGATION
NW ¼ SE ¼ 5.3 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #8:

POINT OF DIVERSION LOCATIONS: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M. and NE ¼ NW ¼, Section 36, Township 36 South, Range 11 East, W.M. (Water from points of diversion for Areas 1 and 4 commingle and serve Area 8.)

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek, and Whiskey Creek, tributary to Sprague River

USE: irrigation of 22.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.58 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 14.9 ACRES IRRIGATION
SE ¼ SE ¼ 1.9 ACRES IRRIGATION
SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NE ¼ 5.4 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #9:

POINT OF DIVERSION LOCATIONS: NE ¼ SE ¼, Section 36, Township 36 South, Range 11 East, W.M. and Lot 2, NW ¼ NE ¼, Section 1, Township 37 South, Range 11 East, W.M. (Water from points of diversion for Areas 4 and 5 commingle and serve Area 9.)

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek, and unnamed springs, tributary to Whiskey Creek

USE: irrigation of 17.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 5.9 ACRES IRRIGATION
NE ¼ SE ¼ 11.4 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #10: No use allowed.

Area #11:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek

USE: domestic use for two homes and livestock watering for 1200 head

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, being 0.01 for domestic and 0.01 for livestock, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ DOMESTIC AND LIVESTOCK
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed use was completely developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **129**
Walton claim

Current Claimant(s) of Record:

Pierre A. Kern
2730 Avenida Caballo
Santa Ynez CA 93460

Original Claimant(s):

Tottsie W. J. Lorenz Et Al

The general location of the claimed use is Township 36 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 6.02 cubic feet per second from one point of diversion located on Five Mile Creek, tributary to North Fork Sprague River, for irrigation of 246.9 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is 1864.

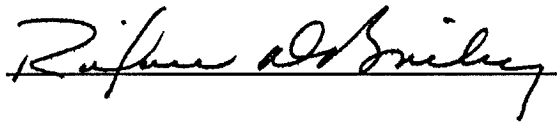
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **130**
Walton claim

Current Claimant(s) of Record:

River Springs Ranch Co
2730 Avenida Caballo
Santa Ynez CA 93460

Original Claimant(s):

River Springs Ranch Co

The general location of the claimed use is Township 36 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.5 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 424 acres. No additional water is claimed for wildlife and livestock use.

4. The claimed period of use is April 15 through November 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did found the irrigation and livestock use as claimed.

7. The claimed use, "Wildlife," is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

8. The delivery system has the capacity to deliver 5.70 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 22, Township 36 South, Range 13 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 404.0 acres and incidental livestock. This is a smaller area than what was claimed.

    AMOUNT ACTUALLY BENEFICIALLY USED: 5.70 cubic feet per second, measured at the point of diversion.

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: October 14, 1864

    PLACE OF USE:

SW ¼ SW ¼	30.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	19.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	11.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	20.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	18.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	17.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	32.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	36.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	34.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼	22.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	10.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	22.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	2.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	31.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	31.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

11. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was not used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **131**
Walton claim

Current Claimant(s) of Record:

Larry Olson
700 Port Avenue
St. Helens OR 97051

River Springs Ranch Co
2730 Avenida Caballo
Santa Ynez CA 93460

Rodney Murray
1945 Painter Street
Klamath Falls OR 97601

Original Claimant(s):

Bernard L. Simonsen

The general location of the claimed use is Township 36 South, Range 13 East, Township 36 South, Range 14 East W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 8, 1991.

3. The claim is for a total of 15.87 cubic feet per second from four points of diversion located on Five Mile Creek, tributary to Sprague River, for irrigation of 634.5 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source for the lands described as "Parcel 1" was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation.

7. In response to Department letter requesting separation of claim for non-contiguous property, a new claim form was submitted by Larry Olson for "Parcel 2" and "Parcel 3", received January 13, 1999.

8. A private engineer or surveyor performed a field inspection which found the use as claimed for the portion of the claim described as "Parcel 3". However, no field inspection by a private engineer or surveyor was submitted for "Parcel 2".

9. For the portion of the claim described as "Parcel 2" and "Parcel 3", the delivery system has the capacity to deliver the claimed amount.

10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

11. For the portion of the claim described as "Parcel 2", the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION:
SW ¼ NE ¼, Section 1, Township 36 South, Range 13 East, W.M.

SOURCE: Five Mile Creek, tributary to Sprague River

USE: irrigation of 65.5 acres (described as "Parcel 2").

AMOUNT ACTUALLY BENEFICIALLY USED: 1.64 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	8.5	ACRES IRRIGATION
SE ¼ NE ¼	6.0	ACRES IRRIGATION
NE ¼ SE ¼	27.9	ACRES IRRIGATION
SE ¼ SE ¼	23.1	ACRES IRRIGATION

SECTION 1
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

For the portion of the claim described as "Parcel 3", the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:
NE ¼ NE ¼, Section 2, Township 36 South, Range 13 East, W.M.
SE ¼ NW ¼, Section1, Township 36 South, Range 13 East, W.M.

SOURCE: Five Mile Creek, tributary to Sprague River

USE: irrigation of 79.6 acres (described as a portion of "Parcel 3"). This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.99 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NW ¼	30.3	ACRES IRRIGATION
SE ¼ NW ¼	24.0	ACRES IRRIGATION

SECTION 1
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

SE ¼ NE ¼ 7.7 ACRES IRRIGATION
LOT 1 NE ¼ NE ¼ 17.6 ACRES IRRIGATION
SECTION 2
TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

12. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. For "Parcel 2" and "Parcel 3", except as noted in "e" below, the land appurtenant to the claim was formerly owned by a Klamath Indian.

c. For "Parcel 2" , the extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

d. For "Parcel 3", except as noted in "f" below, water for the claimed use was fully developed by the last Indian owner of the property.

e. However, for the 1.6 acres in Lot 4 NW ¼ NW ¼, Section 2, Township 36 South, Range 13 East, W.M., the record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership.

f. In addition, for the 1.6 acres in Lot 4 NW ¼ NW ¼, Section 2, Township 36 South, Range 13 East, W.M., the record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

13. The claimed source for the lands described as "Parcel 1" was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation. Therefore, this portion of the claim is denied.

14. The elements for a *Walton* right are established for a portion of the claim described as "Parcel 2" and "Parcel 3". Therefore, this portion of the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **234**
Walton claim

Current Claimant(s) of Record:

T. C. Littlejohn
Sue Littlejohn
Littlejohn Living Trust
32110 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Wilbur Crim

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 39.0 acre-feet from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 8.7 acres, and livestock.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 2, NE ¼ NE ¼, Section 30, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 8.7 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.22 cubic feet per second, measured at the point of diversion for irrigation.

50 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2 NE ¼ NE ¼ 8.5 ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ NE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

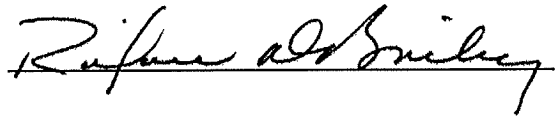
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed uses was fully developed at the time the lands passed from Indian to non-Indian ownership in March of 1995.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **236**
Walton claim

Current Claimant(s) of Record:

Mark D. Anderton
PO Box 1318
Chiloquin OR 97624

Original Claimant(s):

Cloverice Eggsman

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 354.1 acre-feet from points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 57.1 acres, stock use for 6 horses, 35.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed uses.

7. No delivery system exists. The irrigation is accomplished by means of natural, springtime overflow.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: No point of diversion exists.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 57.1 acres and livestock use

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.43 cubic feet per second for irrigation

   60 gallons per day for livestock

   PERIOD OF USE: March 21 - June 21 for irrigation. This is a shorter season than was claimed.

   January 1 - December 31 for livestock

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SW ¼ NE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	36.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	15.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. Mr. Anderton purchased the property involved in this claim on July 30, 1996 from Cloverine Eggsman, wife of Walter Eggsman (deceased). Walter Eggsman was a Klamath Indian.

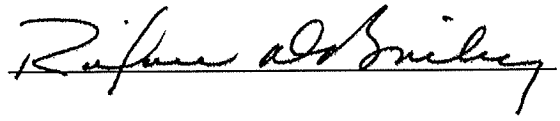
    c. Water for the claimed use was used by the last Indian owner of the property to the extent listed above in item 9.

11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **242**
Walton claim

Current Claimant(s) of Record:

Ambrose W. McAuliffe
Susan J. McAuliffe
PO Box 456
Fort Klamath, OR 97626

Original Claimant(s):

Lawrence Hall

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 597.3 acre-feet from points of diversion located on Fort Creek and Crooked Creek, tributary to Wood River, irrigation of 98.9 acres, 200 head of cattle, and 54.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for stock watering.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **263**
Walton claim

Current Claimant(s) of Record:

Mark Tunno
PO Box 412
Fort Klamath, OR 97626

Original Claimant(s):

Allen K. Nelson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on March 18, 1991.

3. The claim is for a total of 164.0 acre-feet from points of diversion located on Fort Creek, for irrigation of 52.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

7. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

8. This claim was received after the deadline for submitting a claim and is for a source which has previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **274**
Walton claim

Current Claimant(s) of Record:

T. J. Lindbloom
Tim Cummins
dba Conifer Timber
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 587.3 acre-feet from an unnamed draw/creek, tributary to the Sprague River, and the Sprague River, for irrigation of 86.3 acres, stock use for 350 head of cattle, and 68.2 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 13, Township 36 South, Range 10 East, W.M.

SOURCE: Unnamed draw/creek, tributary to Sprague River

USE: irrigation of 86.3 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.16 cubic feet per second for irrigation

4200 gallons per day for livestock

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1	NE ¼ NE ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	8.2	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NE ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ NE ¼	8.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	15.8	ACRES IRRIGATION AND LIVESTOCK

LOT 15 SW ¼ NE ¼ 14.7 ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼ 7.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.

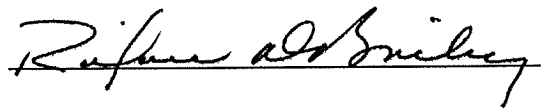
    c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.

11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **275**
Walton claim

Current Claimant(s) of Record:

Elwood Miller Jr.
Rachel Miller
PO Box 274
Chiloquin, OR 97624

Original Claimant(s):

Ramon L. Unive

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 21.71 acre-feet from one point of diversion located on Williamson River, for irrigation of 1.2 acres, stock use for 1 horse, and 5.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 27, Township 34 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 1.2 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second for irrigation

10 gallons per day for livestock

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. Elwood Miller, Jr. and Rachel Miller purchased the property involved in this claim on July 31, 1991, from Ramon Unive. Ramon Unive was a Klamath Indian.

    c. Water for the claimed use was used by the last Indian owner of the property to the extent listed above in item 9.

11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **674**
Walton claim

Current Claimant(s) of Record:

Scott Runels
Margie Runels
HC 63 Box 305
Chiloquin OR 97624

Original Claimant(s):

Scott Runels
Margie Runels

The general location of the claimed use is Township 30 and 31 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 5000 gallons per day from Cow Creek, tributary to Williamson River, for livestock.

4. The claimed period of use is year around.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   Livestock:
   RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, SW ¼ NE ¼, Section 5, Township 31 South, Range 8 East, W.M.

   SOURCE: Cow Creek, tributary to Williamson River

   USE: 250 pair livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 5000 gallons per day, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

LOT 5 NE ¼ SE ¼
NW ¼ SE ¼
LOT 6 SW ¼ SE ¼
LOT 7 SE ¼ SE ¼
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

LOT 7 SW ¼ SW ¼
LOT 8 SE ¼ SW ¼
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

SW ¼ NE ¼
SE ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 5
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **697**
Walton claim

Current Claimant(s) of Record:

Richard W. Graham
475 Kaer Ave
Red Bluff, CA 96080

Allan Klus
Irene Klus
4785 Onyx Dr
Klamath Falls, OR 97603

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 164.0 acre-feet from points of diversion located on Fort Creek, for irrigation of 52.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **703**
Walton claim

Current Claimant(s) of Record:

Nature Conservation Trust
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 10145.85 acre-feet from Cherry Creek, an unnamed creek, and the Sprague River, tributary to Williamson River, for irrigation of 889.6 acres, and stock use.

4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 9, Township 36 South, Range 10 East, W.M.

   SOURCE: Sprague River, tributary to Williamson River

   USE: irrigation of 129.7 acres, supplemental irrigation of 374.6 acres, and livestock use

   AMOUNT ACTUALLY BENEFICIALLY USED: 3.68 cubic feet per second for irrigation and supplemental irrigation; based on the system capacity

   PERIOD OF USE: March 1 - October 31 for irrigation

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

NE ¼ SW ¼	32.8	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SW ¼	1.1	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ SW ¼	19.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SW ¼	19.6	ACRES SUPPLEMENTAL IRRIGATION

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	14.3	ACRES SUPPLEMENTAL IRRIGATION

SE ¼ NW ¼	15.6	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼	12.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SW ¼	6.5	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ SE ¼	6.7	ACRES SUPPLEMENTAL IRRIGATION

SECTION 8

TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	34.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	28.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	10.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	12.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NE ¼	14.0	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ NE ¼	16.4	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ NE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ NW ¼	7.8	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NW ¼	10.1	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼	3.1	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SE ¼	26.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SE ¼	9.3	ACRES SUPPLEMENTAL IRRIGATION

SECTION 9

TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NW ¼ NE ¼	6.0	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ NE ¼	8.8	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NE ¼	1.9	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ NW ¼	4.6	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NW ¼	5.7	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼	1.6	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SE ¼	0.4	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SE ¼	10.1	ACRES SUPPLEMENTAL IRRIGATION

SECTION 17

TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion point; natural overflow

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 167.4 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 4.19 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 19.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ SW ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 33.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 8.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 6.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 26.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 28.2 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 27.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 9
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to Sprague River

USE: irrigation of 264.1 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 6.60 cubic feet per second for irrigation and supplemental irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	32.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	19.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	15.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	9.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	6.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NW ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	8.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	10.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	12.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	12.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	6.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	2.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	13.9	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	11.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to an unnamed tributary to the Sprague River

USE: irrigation of 5.0 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.13 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 5.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 17
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: Cherry Creek, tributary to Sprague River

USE: irrigation of 11.5 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.29 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 8.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: commingled water from unnamed creek, Cherry Creek, and storage, tributary to Sprague River

USE: irrigation of 75.1 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.88 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼	13.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	25.5	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	5.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	7.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	9.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 16, Township 36 South, Range 10 East, W.M.

SOURCE: Cherry Creek and stored water, tributary to Sprague River

USE: irrigation of 4.9 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.12 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 3.5 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 1.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to Cherry Creek

USE: irrigation of 24.8 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.62 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 8.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 16.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: The amount for livestock, together with the amount allowed for livestock under claim #704, is 8400 gallons per day from all sources, for 700 head of cattle, measured at the point of diversion.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.

c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.

11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **704**
Walton claim

Current Claimant(s) of Record:

Nature Conservation Trust
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 5, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 10145.85 acre-feet from Cherry Creek, an unnamed creek, and the Sprague River, tributary to Williamson River, for irrigation of 889.6 acres, and stock use.

4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: No diversion; subirrigated

   SOURCE: springs in the SE ¼ NE ¼, Section 28, Township 36 South, Range 6 East, W.M., tributary to Cherry Creek

   USE: irrigation of 2.3 acres, and livestock use

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.06 cubic feet per second for irrigation

   PERIOD OF USE: March 1 - October 31 for irrigation

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NE ¼ NE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
   SE ¼ NE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK
   SECTION 16
   TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

   AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: The amount for livestock, together with the amount allowed for livestock under claim #703, is 8400 gallons per day from all sources, for 700 head of cattle, measured at the point of diversion.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.

    c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.

11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **708**
Walton claim

Current Claimant(s) of Record:

Charlotte M. Mathis,
Surviving Joint Trustee
Mathis Family Trust UTA 8/11/87
PO Box 325
Hornitos CA 95325

Original Claimant(s):

Charlotte M. Mathis,
Surviving Joint Trustee
Mathis Family Trust UTA 8/11/87

The general location of the claimed use is Townships 33 and 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 12.33 cubic feet per second from Fort Creek and Crooked Creek, tributaries to Wood River, for irrigation of 2295.9 acres and livestock.

4. The claimed period of use is April 1 through November 1 for irrigation and all year for livestock.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_134307

> As a general rule, to constitute a valid appropriation of water, three elements must exist: (1) an intent to apply it to a beneficial use, existing at the time or contemplated in the future; (2) a diversion from the natural channel by means of a ditch, canal or other structure; and (3) an application of it within a reasonable time to some useful industry...[3]

A. Intent

The *Silvies River* Court elaborated upon the first element:

> (I)t is the present *bona fide* design or intention of applying it to some *immediate* beneficial use, or the appropriation must be made in the present *bona fide* contemplation of a *future* application of it to such a purposes; it should be *shown in all its fullness by the facts and circumstances* to have been present in the mind of the appropriator *at the time the appropriation was made or claimed.*[4]

Thus, while the "use" or application may be present or future, the "intent" or "contemplation" must in either case be contemporaneous with the initial appropriation.

B. Diversion

The *Silvies River* Court also elaborated upon the "diversion" element, adding the caveat that no initial diversion is required where the appropriator's land is "naturally irrigated" and the appropriator "in some substantial way indicates that it is his intention to reap the benefit of the fruit of the irrigation."[5] In that case, the priority date is "deemed to be when the proprietor of the land accepts the gift made by nature..."[6] The Court further explained:

> When no "ditch, canal, or other structure" is necessary to divert the water from its natural channel, the law does not vainly require such works, prior to an appropriation. We do not intend to suggest that in most cases the building of some kind of an irrigation system is not *requisite after the appropriation is made* in order to effect an economical beneficial use of

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[3] *In re Water Rights in Silvies River*, 115 Or 27, 64-65 (1925). *See also, Low v. Rizor*, 25 Or 551, 557 (1894).

[4] *Id.* (emphasis added). *See also, Hindman v. Rizor*, 21 Or 112, 120 (1891): "While (the appropriators) could rightfully appropriate water *not only for the present but also for the future* needs of the land, the water so appropriated must have been utilized within a reasonable time..." (Emphasis added).

[5] *Silvies River*, 115 Or at 66.

[6] *Id.*

> such water and prevent waste. This should be accomplished within a reasonable time as circumstances permit and necessities require...[7]

However, while the beneficial use of natural overflow creates an appropriative water right, the appropriative *method* of natural overflow is a privilege only.[8] Thus, the appropriator must employ some technologically reasonable means of appropriation and cannot insist upon allowing the system to actually overflow. The right extends only to the amount of water which *would* overflow if no water were removed by junior appropriators.

C. Reasonable Time

The requirement of an "application of (the water) within a reasonable time to some useful industry"[9] is synonymous with "reasonable diligence," which courts use synonymously also with "due diligence."[10] The *Silvies River* Court, for example, defined the "reasonable time" element in terms of "reasonable diligence," explaining that such determination must be fact-specific:

> The test, both in the construction of the necessary works and in the application of the water to a beneficial purpose, is *reasonable diligence.* There must be such assiduity of work of construction as will manifest to the world a *bona fide intention to complete it within a reasonable time.* The question is one of fact and must be determined from the surrounding circumstances.[11]

This articulation of the rule highlights the interconnectedness of the first ("intent") and third ("reasonable time") elements.

II. The Water Code

ORS 539.010(4) currently states:

> The right of any person to take and use water shall not be impaired or affected by any provisions of the Water Rights Act ... where

---

[7] *Id.* (emphasis added).

[8] *See, e.g., Warner Valley Stock Co. v. Lynch*, 215 Or. 523 (1959).

[9] *Silvies River*, 115 Or. 27 at 65.

[10] *See, e.g., Teel Irrigation Dist. v. Water Resources Dept.*, 323 Or. 663, 669 (1996) (noting a showing of "due" diligence under ORS 537.230, which requires "reasonable" diligence).

[11] *Silvies River*, 115 Or. 27 at 61 (citations omitted) (emphasis added). *See also, In re Water Rights of Hood River*, 114 Or. 112, 131 (1924): "That which is usual and ordinary with men engaged in like enterprises who desire to speedily effect their designs is required."

> appropriations were *initiated prior to February 24, 1909*, and such appropriators, their heirs, successors or assigns did, in *good faith* and in compliance with the laws then existing, *commence the construction* of works for the application of the water so appropriated to a *beneficial use*, and thereafter *prosecuted such work diligently* and continuously to completion. However, all such rights shall be adjudicated in the manner provided in this chapter.[12]

This statute articulates a three-part test applicable to a pre-1909 water right: (1) good faith commencement prior to February 24, 1909; (2) of construction of works to apply water to a beneficial use; and (3) prosecuted with due diligence. This formulation parallels the common law elements discussed above: (1) *bone fide* intent to apply to a beneficial use (good faith commencement); (2) diversion (construction of works); and (3) reasonable time (prosecuted diligently).

MRR:bjw:rws/GEN28772

[12] ORS 539.010(4) (emphasis added).

KBA_APP_134312

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **1**
Pre-1909 claim

Current Claimant(s) of Record:

Lawrence Iverson
Iverson, Marjorie
PO Box 97
Silver Lake OR 97601

Original Claimant(s):

Lawrence Iverson
Iverson, Marjorie

The general location of the claimed use is Township 27 South, Ranges 9 and 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 3, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 16, 1990.

3. The claim is for an unspecified rate from natureal flood- and sub-irrigation of 157.2 acres from Jack Creek, tributary to Klamath Marsh.

4. The claimed period of use is March 1 through November 1.

5. The claimed priority date is "prior to 1909."

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. There is no delivery system; irrigation occurs through natural means.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: No point of diversion exists.

   SOURCE: Jack Creek, tributary to Klamath Marsh

   USE: irrigation of 138.7 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 3.47 cubic feet per second

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1899

   PLACE OF USE:

NW ¼ SW ¼ 10.6 ACRES IRRIGATION
SW ¼ SW ¼ 4.2 ACRES IRRIGATION
SE ¼ SW ¼ 21.3 ACRES IRRIGATION
SW ¼ SE ¼ 9.0 ACRES IRRIGATION
SECTION 13
TOWNSHIP 27 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 13.8 ACRES IRRIGATION
SECTION 24
TOWNSHIP 27 SOUTH, RANGE 9 EAST, W.M.

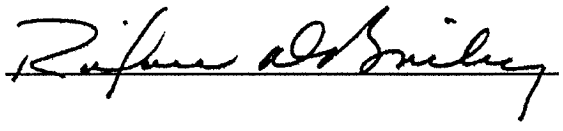
NE ¼ NW ¼ 27.9 ACRES IRRIGATION
NW ¼ NW ¼ 35.5 ACRES IRRIGATION
SE ¼ NW ¼ 16.4 ACRES IRRIGATION
SECTION 19
TOWNSHIP 27 SOUTH, RANGE 10 EAST, W.M.

10. For the required Pre-1909 elements, the Department finds that the landowner began intentionally benefitting from the natural overflow of water prior to 1900.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **2**
Pre-1909 claim

Current Claimant(s) of Record:

James Schelhaas
Schelhaas, Helen
Rt 2 Box 92
Omak WA 98841

Original Claimant(s):

James Schelhaas
Schelhaas, Helen

The general location of the claimed use is Township 27 South, Ranges 9 and 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 24, 1990.

3. The claim is for a total of 2.0 cubic feet per second from natural overflow from Jack Creek, tributary to Williamson River, for irrigation of 218.4 acres.

4. The claimed period of use is March 1 through September 30.

5. The claimed priority date is "prior to 1909."

FINDINGS OF FACT

6. The best information available indicates that no intent to utilize the natural overflow existed prior to 1955. Water was not used prior to February 24, 1909.

7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

8. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **6**
Pre-1909 claim

Current Claimant(s) of Record:

Brent Owen
PO Box 160
Redding CA 96099

Original Claimant(s):

Brent Owen

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of "all uninterupted [sic] natural water" from springs and an unnamed creek, tributaries to Williamson River, for "wild life and habitat and preservation of natural state."

4. The claimant did not provide a claimed period of use.

5. The claimed priority date is "prior to 1909."

FINDINGS OF FACT

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.

7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

8. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **7**
Pre-1909 claim

Current Claimant(s) of Record:

Redding Foundation
PO Box 160
Redding CA 96099

Original Claimant(s):

Redding Foundation

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of "all uninterupted [sic] natural water" from springs and an unnamed creek, tributaries to Williamson River, for "wild life and habitat and preservation of natural state."

4. The claimant did not provide a claimed period of use.

5. The claimed priority date is "prior to 1909."

FINDINGS OF FACT

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.

7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

8. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **23**
Pre-1909 claim

Current Claimant(s) of Record:

Catherine MacDonald
The Nature Conservancy
821 SE 14th Ave
Portland OR 97214-2537

Original Claimant(s):

Brattain Ranch Inc.

The general location of the claimed use is Township 31 South, Ranges 13 and 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 18, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 26, 1990.

3. The claim is for a total of 77.47 cubic feet per second from four points of diversion located on Pole Creek, tributary to Dry Creek, Long Creek and Coyote Creek, tributaries to Sycan River, and Sycan River tributary to Sprague River, for irrigation of 3098.2 acres.

4. The claimed period of use is "approx. March thru October."

5. The claimed priority date is February 25, 1901.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

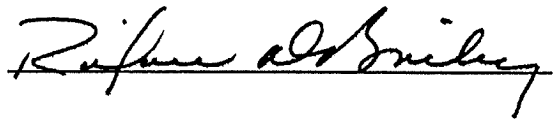
   a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **35**
Pre-1909 claim

Current Claimant(s) of Record:

Ronald N Graves, Attorney in Fact
J R Simplot Self-Declaration of
Revocable Trust
PO Box 27
Boise ID 83707

Original Claimant(s):

Metropolitan Live Insurance Company dba
ZX Land & Cattle Company

The general location of the claimed use is Section 21, Township 32 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 8.42 cubic feet per second from Sycan River, tributary to Sprague River, for irrigation of 187.3 acres, domestic use, and livestock.

4. The claimed period of use is March 1 - October 31 for irrigation and March 1 through November 30 for livestock. The claim did not specify a period of use for domestic use.

5. The claimed priority date is October 8, 1879.

FINDINGS OF FACT

6. The Department performed a field inspection which found the irrigation and livestock uses as claimed. The field inspection report makes no mention of domestic uses, including irrigation. The field inspection also found no use from ZX Creek, which was described as a source by the claimant in correspondence made after the claim was filed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

SW ¼ NE ¼, Section 21, Township 32 South, Range 14 East, W.M.
SW ¼ SE ¼, Section 21, Township 32 South, Range 14 East, W.M.

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 187.3 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.68 cubic feet per second for irrigation, and 79,200 gallons per day for livestock, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; March 1 through November 30 for livestock

PRIORITY DATE: October 8, 1879

PLACE OF USE:

NW ¼ NE ¼	33.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	36.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	36.7	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	36.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	18.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 21
TOWNSHIP 32 SOUTH, RANGE 14 EAST, W.M.

10. For the required Pre-1909 elements, the Department finds that water for the claimed use was first applied in 1879.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **36**
Pre-1909 claim

Current Claimant(s) of Record:

The Nature Conservancy
821 SE 14th Ave
Portland OR 97214-2537

Original Claimant(s):

The Nature Conservancy

The general location of the claimed use is Townships 31, 32, and 33 South, Range 13 East, W.M., and Townships 31 and 32 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 592.44 cubic feet per second, being 592.03 cubic feet per second for irrigation of 8255.0 acres and 0.41 cubic feet per second for livestock of 6830 head, from five points of diversion located on Pole Creek, tributary to Dry Creek, Dry Creek, Coyote Creek, and Long Creek, tributaries to Sycan River, and Sycan River, tributary to Sprague River.

4. The claimed period of use is March 1 - October 31 for irrigation, and March 1 - November 30 for livestock.

5. The claimed priority date is October 8, 1879.

6. The claimant later submitted a "corrected claim," which modified their claim in the following respects:

- ❖ The number of points of diversion was increased to 44.
- ❖ The number of sources was increased to 18.
- ❖ The number of acres of irrigation was increased to 21,329.4.
- ❖ The number of head of livestock was increased to 15,000 (7500 cow/calf pairs).
- ❖ The rate of water claimed for livestock was increased to 20 gallons per day per cow/calf pair, plus 150 cubic feet per second for ditch losses.
- ❖ The amount of water claimed for irrigation was changed to 72,817.52 acre-feet per year.
- ❖ With respect to the priority date, the claimant's corrected claim stated: "We...are claiming the same October 14, 1864 priority date...to irrigate the whole Marsh.... If an October 14, 1864 priority date is not recognized for irrigating the whole Marsh, ... we are claiming an October 8, 1879 priority date for irrigation and stock watering on the whole Marsh...."

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The delivery system has the capacity to deliver the claimed amount.

9. OAR 690-28-025(2) states "One registration statement or statement and proof of claim may include multiple uses with one common date of priority.... Separate statements shall be registered for ... different priority dates." The claimed October 14, 1864 priority date is based upon the inclusion of lands in the former Klamath Indian Reservation. The claimed place of use ("the entire Marsh") includes areas outside the former Klamath Indian Reservation. Therefore, a priority date of October 14, 1864 is not recognized for the entire Marsh, and the Adjudicator recognizes the claimed priority date as October 8, 1879 based on historical use, in accordance with the claim as quoted in item 6 above.

10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

11. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

SOURCES AND POINT OF DIVERSION LOCATIONS:

Sycan River, tributary to Sprague River:

2640 feet west and 4160 feet north of the SE corner
2240 feet west and 1800 feet north of the SE corner
2560 feet west and 4040 feet north of the SE corner
2480 feet west and 4180 feet north of the SE corner
2400 feet west and 4120 feet north of the SE corner
2320 feet west and 4100 feet north of the SE corner
2280 feet west and 2280 feet north of the SE corner
Section 21, Township 32 South, Range 14 East, W.M.

2800 feet west and 5840 feet north of the SE corner
Section 20, Township 32 South, Range 14 East, W.M.

5360 feet east and 3360 feet north of the SW corner
6000 feet east and 3240 feet north of the SW corner
3760 feet east and 3200 feet north of the SW corner
2920 feet east and 4800 feet north of the SW corner
Section 3, Township 33 South, Range 13 East, W.M.

AL Creek, tributary to Sycan River:

1200 feet west and 3720 feet south of the NE corner
1160 feet west and 3360 feet south of the NE corner
1160 feet west and 3120 feet south of the NE corner
Section 16, Township 32 South, Range 14 East, W.M.

Chocktoot Creek, tributary to Sycan River:

880 feet west and 1640 feet north of the SE corner
1040 feet west and 1480 feet north of the SE corner
1120 feet west and 1320 feet north of the SE corner
Section 9, Township 32 South, Range 14 East, W.M.

Shake Creek, tributary to Sycan River:

2480 feet west and 560 feet north of the SE corner
Section 20, Township 32 South, Range 14 East, W.M.

Rock Creek, tributary to Sycan River:

160 feet west and 2160 feet south of the NE corner
Section 35, Township 32 South, Range 13 East, W.M.

Knoll Creek, tributary to Sycan River:

2240 feet east and 3520 feet north of the SW corner
3080 feet east and 3080 feet north of the SW corner
Section 2, Township 33 South, Range 13 East, W.M.

Dry Creek, tributary to Sycan River:

2640 feet east and 1240 feet north of the SW corner
Section 15, Township 32 South, Range 13 East, W.M.

Long Creek, tributary to Sycan River:

1880 feet west and 2160 feet south of the NE corner
2160 feet west and 2320 feet south of the NE corner
1920 feet west and 1800 feet south of the NE corner
Section 4, Township 32 South, Range 13 East, W.M.

1480 feet east and 5320 feet north of the SW corner
2280 feet east and 5400 feet north of the SW corner
880 feet east and 5040 feet north of the SW corner
280 feet east and 3880 feet north of the SW corner
Section 3, Township 33 South, Range 13 East, W.M.

Coyote Creek, tributary to Sycan River:

4840 feet east and 2440 feet north of the SW corner
4760 feet east and 2280 feet north of the SW corner
4920 feet east and 2640 feet north of the SW corner
Section 27, Township 31 South, Range 13 East, W.M.

Pole Creek, tributary to Sycan River:

840 feet east and 1760 feet north of the SE corner
920 feet east and 1680 feet north of the SE corner
Section 23, Township 31 South, Range 13 East, W.M.

Divide Creek, tributary to Sycan River:

960 feet west and 3160 feet north of the SE corner
Section 24, Township 31 South, Range 13 East, W.M.

ZX Creek, tributary to Sycan River:

2280 feet east and 800 feet north of the SW corner
2240 feet east and 1160 feet north of the SE corner
Section 21, Township 32 South, Range 14 East, W.M.

Unnamed Creeks:

1880 feet west and 5760 feet north of the SE corner
2440 feet west and 3640 feet north of the SE corner
3600 feet west and 2000 feet north of the SE corner
3480 feet west and 640 feet north of the SE corner
Section 3, Township 32 South, Range 14 East, W.M.

40 feet east and 5040 feet north of the SW corner
Section 29, Township 32 South, Range 14 East, W.M.

4280 feet east and 1720 feet north of the SW corner
Section 27, Township 31 South, Range 13 East, W.M.

USE: irrigation of 21,329.4 acres and livestock watering for 15,000 head

AMOUNT ACTUALLY BENEFICIALLY USED: 533.24 cubic feet per second for irrigation, and 150,000 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation, and January 1 - December 31 for livestock use

PRIORITY DATE: October 8, 1879

PLACE OF USE, EAST SIDE OF MARSH:

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
32	14	3	NW NW	37.6	37.6	37.6	37.6	37.6							37.6	37.6				
			SW NW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE NW	36.5	36.5	36.5	36.5	36.5							36.5	36.5				
			SE NW	28.1	28.1	28.1	28.1	28.1							28.1	28.1				
			NW SW	37.7	37.7	37.7	37.7	37.7							37.7	37.7				
			SW SW	40.0	40.0	40.0	40.0	40.0												
			NE SW	24.9	24.9	24.9	24.9	24.9												
			SE SW	22.1	22.1	22.1	22.1	22.1												
			NW NE	4.2	4.2	4.2	4.2	4.2												
			SW NE	1.1	1.1	1.1	1.1	1.1												
32	14	4	NW NE	38.6	38.6	38.6	38.6	38.6							38.6	38.6				
			SW NE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE NE	37.3	37.3	37.3	37.3	37.3							37.3	37.3				
			SE NE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NW NW	38.0	38.0	38.0	38.0	38.0							38.0	38.0				
			SW NW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE NW	38.3	38.3	38.3	38.3	38.3							38.3	38.3				
			SE NW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NW SW	37.1	37.1	37.1	37.1	37.1							37.1	37.1				
			SW SW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE SW	37.1	37.1	37.1	37.1	37.1							37.1	37.1				
			SE SW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NW SE	37.1	37.1	37.1	37.1	37.1							37.1	37.1				
			SW SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE SE	37.1	37.1	37.1	37.1	37.1							37.1	37.1				
			SE SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
32	14	5	NE NE	34.9	34.9	34.9	34.9	34.9							34.9	34.9				
			NW NE	38.0	38.0	38.0	38.0	38.0							38.0	38.0				

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					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SW NE	34.7	34.7	34.7	34.7	34.7							34.7	34.7				
			SE NE	39.8	39.8	39.8	39.8	39.8							39.8	39.8				
			NW NW	38.2	38.2	38.2	38.2	38.2							38.2	38.2				
			SW NW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE NW	38.1	38.1	38.1	38.1	38.1							38.1	38.1				
			SE NW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE SW	37.2	37.2	37.2	37.2	37.2							37.2	37.2				
			NW SW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			SE SW	38.0	38.0	38.0	38.0	38.0							38.0	38.0				
			SW SW	37.7	37.7	37.7	37.7	37.7							37.7	37.7				
			NW SE	36.2	36.2	36.2	36.2	36.2							36.2	36.2				
			NE SE	37.1	37.1	37.1	37.1	37.1							37.1	37.1				
			SW SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			SE SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
32	14	6	NW NW	18.0											18.0	18.0				
			SW NW	40.1											40.1	40.1				
			NE NW	39.3											39.3	39.3				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	39.8											39.8	39.8				
			SW SW	39.5											39.5	39.5				
			NE SW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			SE SW	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NW NE	38.8	38.8	38.8	38.8	38.8							38.8	38.8				
			SW NE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE NE	38.4	38.4	38.4	38.4	38.4							38.4	38.4				
			SE NE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NW SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			SW SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
			SE SE	40.0	40.0	40.0	40.0	40.0							40.0	40.0				
32	14	7	NE NE	39.0	39.0	39.0	39.0								39.0	39.0				
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				

KBA_APP_134333

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SW NE	39.9	39.9	39.9	39.9								39.9	39.9				
			SE NE	34.8	34.8	34.8	34.8								34.8	34.8				
			NW NW	38.7											38.7	38.7				
			SW NW	38.3											38.3	38.3				
			NE NW	40.0											40.0	40.0				
			SE NW	40.0											40.0	40.0				
			NW SW	37.9	37.9	37.9	37.9								37.9	37.9				
			SW SW	37.6	37.6	37.6	37.6								37.6	37.6				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	35.5	35.5	35.5	35.5								35.5	35.5				
			NW SE	35.0	35.0	35.0	35.0								35.0	35.0				
			SW SE	37.6	37.6	37.6	37.6								37.6	37.6				
			NE SE	39.8	39.8	39.8	39.8								39.8	39.8				
			SE SE	38.8	38.8	38.8	38.8								38.8	38.8				
32	14	8	NW NW	36.1	36.1	36.1	36.1								36.1	36.1				
			NE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	38.8	38.8	38.8	38.8								38.8	38.8				
			SE SW	38.8	38.8	38.8	38.8								38.8	38.8				
			NW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SE	38.8	38.8	38.8	38.8													
			SE SE	38.8	38.8	38.8	38.8													
32	14	9	NW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				

KBA_APP_134334

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			NE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	38.8	38.8	38.8	38.8													
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	38.8	38.8	38.8	38.8													
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	40.0	40.0	40.0	40.0													
			SE NE	40.0	40.0	40.0	40.0													
			NW SE	40.0	40.0	40.0	40.0													
			SW SE	37.9	37.9	37.9	37.9													
			NE SE	28.4	28.4	28.4	28.4													
			SE SE	7.3	7.3	7.3	7.3													
32	14	10	NW NW	27.8	27.8	27.8	27.8													
			SW NW	4.2	4.2	4.2	4.2													
			NE NW	0.7	0.7	0.7	0.7													
32	14	16	NW NW	38.8	38.8	38.8	38.8													
			SW NW	40.0	40.0	40.0														
			NE NW	38.8	38.8	38.8	38.8													
			SE NW	40.0	40.0	40.0														
			NW SW	40.0	40.0	40.0														
			SW SW	40.0	40.0	40.0														
			NE SW	40.0	40.0	40.0														
			SE SW	40.0	40.0	40.0														
			NW NE	40.0	40.0	40.0	40.0													
			SW NE	40.0	40.0	40.0														
			NW SE	40.0	40.0	40.0														
			SW SE	40.0	40.0	40.0														
			NE SE	7.2	7.2	7.2														
			SE SE	6.7	6.7	6.7														
			NE NE	7.2	7.2	7.2	7.2													

KBA_APP_134335

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SE NE	9.1	9.1	9.1														
32	14	17	NW NW	38.8	38.8	38.8	38.8													
			SW NW	40.0	40.0	40.0														
			NE NW	38.8	38.8	38.8	38.8													
			SE NW	40.0	40.0	40.0														
			NW SW	40.0	40.0	40.0														
			SW SW	40.0	40.0															
			NE SW	40.0	40.0	40.0														
			SE SW	40.0	40.0															
			NW NE	38.8	38.8	38.8	38.8													
			SW NE	40.0	40.0	40.0														
			NE NE	38.8	38.8	38.8	38.8													
			SE NE	40.0	40.0	40.0														
			NW SE	40.0	40.0	40.0														
			SW SE	40.0	40.0	40.0														
			NE SE	40.0	40.0	40.0														
			SE SE	40.0	40.0	40.0														
32	14	18	NW NW	34.4	34.4	34.4	34.4								34.4	34.4				
			SW NW	34.1	34.1		34.1								34.1					
			NE NW	37.3	37.3	37.3	37.3								37.3	37.3				
			SE NW	40.0	40.0		40.0								40.0	40.0				
			NW NE	38.8	38.8	38.8	38.8													
			NE NE	38.8	38.8	38.8	38.8													
			SW NE	40.0	40.0		40.0								40.0					
			SE NE	40.0	40.0	40.0														
			NW SW	36.9	36.9		36.9								36.9					
			NE SW	40.0	40.0		40.0								40.0					
			SW SW	36.7	36.7		36.7								36.7					
			SE SW	40.0	40.0		40.0								40.0					
			NW SE	40.0	40.0		40.0								40.0					
			NE SE	40.0	40.0															
			SW SE	40.0	40.0		40.0								40.0					

KBA_APP_134336

						SOURCE														
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SE SE	40.0	40.0															
32	14	19	NW NW	37.1	37.1		37.1								37.1					
			SW NW	36.9	36.9		36.9								36.9					
			NE NW	40.0	40.0		40.0								40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NW SW	36.8	36.8		36.8								36.8					
			SW SW	36.6	36.6		36.6								36.6					
			NE SW	40.0	40.0		40.0								40.0					
			SE SW	39.4	39.4				39.4	39.4										
			NW NE	40.0	40.0		40.0								40.0					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	40.0	40.0		40.0								40.0					
			SE NE	39.9	39.9				39.9	39.9										
			NW SE	39.3	39.3				39.3	39.3										
			NE SE	38.2	38.2				38.2	38.2										
			SW SE	38.2	38.2				38.2	38.2	38.2									
			SE SE	40.0	40.0				40.0	40.0										
32	14	20	NW NW	39.5	39.5				39.5	39.5	39.5									
			SW NW	38.1	38.1				38.1	38.1										
			NE NW	37.6	37.6				37.6	37.6										
			SE NW	40.0	40.0				40.0	40.0										
			NW NE	38.2	38.2				38.2	38.2										
			SW NE	40.0	40.0				40.0	40.0										
			NE NE	37.5	37.5				37.5	37.5										
			SE NE	40.0	40.0				40.0	40.0										
			NW SW	40.0	40.0				40.0	40.0										
			NE SW	40.0	40.0				40.0	40.0										
			SW SW	19.2	19.2				19.2	19.2										
			SE SW	17.7	17.7				17.7	17.7										
			NW SE	40.0	40.0				40.0	40.0										
			NE SE	40.0	40.0				40.0	40.0										
			SW SE	23.8	23.8				23.8	23.8										

KBA_APP_134337

					SOURCE																
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SE SE	16.8	16.8				16.8	16.8										
32	14	30	NW NW	34.6	34.6				34.6	34.6	34.6									
			SW NW	37.8	37.8				37.8	37.8	37.8									
			NE NW	38.1	38.1				38.1	38.1	38.1									
			SE NW	27.1	27.1				27.1	27.1	27.1									
			NW NE	39.9	39.9				39.9	39.9	39.9									
			NE NE	30.9	30.9				30.9	30.9	30.9									
			SW NE	5.1	5.1				5.1	5.1	5.1									
			SW SW	1.7	1.7				1.7	1.7	1.7									
			NW SW	29.9	29.9				29.9	29.9	29.9									
			NE SW	0.1	0.1				0.1	0.1	0.1									
31	14	19	SW SW	27.3	27.3	27.3	27.3								27.3	27.3	27.3	27.3		
			SW SE	35.9	35.9	35.9	35.9								35.9	35.9	35.9			
			SE SE	9.0	9.0	9.0	9.0								9.0	9.0	9.0			
31	14	27	SW NW	11.1	11.1	11.1	11.1								11.1	11.1				
			NW SW	36.0	36.0	36.0	36.0								36.0	36.0				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	16.3	16.3	16.3	16.3								16.3	16.3				
31	14	28	NE NW	25.0	25.0	25.0	25.0								25.0	25.0				
			NW NE	14.1	14.1	14.1	14.1								14.1	14.1				
			SW NE	39.7	39.7	39.7	39.7								39.7	39.7				
			SE NE	31.8	31.8	31.8	31.8								31.8	31.8				
			NW NW	37.1	37.1	37.1	37.1								37.1	37.1				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SE	40.0	40.0	40.0	40.0								40.0	40.0				

KBA_APP_134338

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SE SE	40.0	40.0	40.0	40.0								40.0	40.0				
31	14	29	NW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	35.7	35.7	35.7	35.7								35.7	35.7	35.7			
			NW NE	35.2	35.2	35.2	35.2								35.2	35.2	35.2			
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0	40.0			
			SE NE	40.0	40.0	40.0	40.0								40.0	40.0	40.0			
			NE NW	35.9	35.9	35.9	35.9								35.9	35.9	35.9			
			NW NW	33.1	33.1	33.1	33.1								33.1	33.1	33.1			
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
31	14	30	NE NE	38.7	38.7	38.7	38.7								38.7	38.7	38.7	38.7		
			NW NE	17.5	17.5	17.5	17.5								17.5	17.5	17.5	17.5		
			SW NE	37.9	37.9	37.9	37.9								37.9	37.9	37.9	37.9		
			SE NE	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		
			NW NW	41.5	41.5	41.5	41.5								41.5	41.5	41.5	41.5		
			SW NW	10.6	10.6	10.6	10.6								10.6	10.6	10.6	10.6		
			SE NW	39.8	39.8	39.8	39.8								39.8	39.8	39.8	39.8		
			NE SW	38.0	38.0	38.0	38.0								38.0	38.0	38.0	38.0		
			NW SW	16.5	16.5	16.5	16.5								16.5	16.5	16.5	16.5		
			SW SW	44.4	44.4	44.4	44.4								44.4	44.4	44.4	44.4		
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		
			NW SE	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		
			SE SE	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0		

KBA_APP_134339

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
31	14	31	NW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NW	44.4	44.4	44.4	44.4								44.4	44.4				
			SW NW	44.5	44.5	44.5	44.5								44.5	44.5				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	44.7	44.7	44.7	44.7								44.7	44.7				
			SW SW	40.3	40.3	40.3	40.3								40.3	40.3				
			SE SW	38.5	38.5	38.5	38.5								38.5	38.5				
31	14	32	NW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	38.5	38.5	38.5	38.5								38.5	38.5				
			SE NE	37.3	37.3	37.3	37.3								37.3	37.3				
			NW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	35.5	35.5	35.5	35.5								35.5	35.5				
			SE SE	35.0	35.0	35.0	35.0								35.0	35.0				

KBA_APP_134340

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
31	14	33	NW SW	37.6	37.6	37.6	37.6								37.6	37.6				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	37.4	37.4	37.4	37.4								37.4	37.4				
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SE	36.9	36.9	36.9	36.9								36.9	36.9				
			SW SE	36.1	36.1	36.1	36.1								36.1	36.1				
			NE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NE	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SE	40.0	40.0	40.0	40.0								40.0	40.0				
31	14	34	NW NE	6.3	6.3	6.3	6.3								6.3	6.3				
			SW NE	24.4	24.4	24.4	24.4								24.4	24.4				
			SE NE	18.0																18.0
			NE NW	39.1	39.1	39.1	39.1								39.1	39.1				
			NW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW NW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE NW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SW SW	40.0	40.0	40.0	40.0								40.0	40.0				
			SE SW	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SE	26.8																26.8
			NW SE	39.8	39.8	39.8	39.8								39.8	39.8				
			SW SE	20.5	20.5	20.5	20.5								20.5	20.5				
31	14	35	SW NW	1.5																1.5
			NW SW	1.2																1.2

KBA_APP_134341

PLACE OF USE, WEST SIDE OF MARSH:

					SOURCE														
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
31	13	23	SE SE	24.2													24.2			
			NE SE	2.8													2.8			
31	13	24	NE SW	9.9											9.9	9.9	9.9			
			SE SW	39.0											39.0	39.0	39.0			
			NW SW	12.1													12.1			
			SW SW	40.0													40.0			
			NW SE	35.3											35.3	35.3	35.3	35.3		
			SW SE	34.1											34.1	34.1	34.1	34.1		
			NE SE	32.2											32.2	32.2	32.2	32.2		
			SE SE	34.9											34.9	34.9	34.9	34.9		
31	13	25	NW NW	40.0											40.0	40.0	40.0			
			SW NW	40.0											40.0	40.0	40.0			
			NE NW	40.0											40.0	40.0	40.0			
			SE NW	40.0											40.0	40.0	40.0			
			NW SW	40.0											40.0	40.0				
			SW SW	37.1											37.1	37.1				
			NE SW	40.0											40.0	40.0	40.0			
			SE SW	37.1											37.1	37.1	37.1			
			NW NE	34.6											34.6	34.6	34.6			
			SW NE	32.4											32.4	32.4	32.4			
			NE NE	29.7											29.7	29.7	29.7	29.7		
			SE NE	2.3											2.3	2.3	2.3			
			NE SE	22.9											22.9	22.9	22.9			
			NW SE	34.4											34.4	34.4	34.4			
			SW SE	33.2											33.2	33.2	33.2			
			SE SE	35.6											35.6	35.6	35.6			
31	13	26	NW SE	32.3											32.3	32.3				
			SW SE	40.0											40.0	40.0				
			NE SE	40.0											40.0	40.0				

KBA_APP_134342

T	R	S	1/4 1/4	Acres	SOURCE															
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SE SE	40.0											40.0	40.0				
			SE SW	40.0												40.0			40.0	
			SW SW	35.0												35.0			35.0	
			NW SW	0.7												0.7				
			NE SW	6.9												6.9				
31	13	27	NW SE	2.0												2.0			2.0	
			SW SE	3.0												3.0			3.0	
			NE SE	9.4												9.4			9.4	
			SE SE	39.1												39.1			39.1	
31	13	34	SW NE	23.8											23.8	23.8			23.8	
			SE NE	40.0											40.0	40.0			40.0	
			NW NE	5.4												5.4			5.4	
			NE NE	39.6												39.6			39.6	
31	13	36	NW NE	32.4											32.4	32.4			32.4	
			SW NE	38.3											38.3	38.3				
			NE NE	33.3											33.3	33.3				
			SE NE	29.4											29.4	29.4				
			NW NW	37.1											37.1	37.1				
			SW NW	40.0											40.0	40.0				
			NE NW	37.1											37.1	37.1				
			SE NW	40.0											40.0	40.0				
			NW SW	40.0											40.0	40.0				
			SW SW	40.0											40.0	40.0				
			NE SW	40.0											40.0	40.0				
			SE SW	40.0											40.0	40.0				
			NW SE	40.0											40.0	40.0				
			SW SE	40.0											40.0	40.0				
32	13	1	NW NE	39.8											39.8					
			SW NE	40.0											40.0					
			NE NE	32.2											32.2					
			SE NE	32.3											32.3					
			NW SE	40.0											40.0					

KBA_APP_134343

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SW SE	40.0											40.0					
			NE SE	32.2											32.2					
			SE SE	32.1											32.1					
			NW SW	40.0											40.0					
			SW SW	40.0											40.0					
			NE SW	40.0											40.0					
			SE SW	40.0											40.0					
32	13	3	NW SE	13.5											13.5					
32	13	10	NW SE	18.1	18.1									18.1	18.1					
			SW SE	39.7	39.7									39.7	39.7					
			NE SE	9.2	9.2									9.2	9.2					
			SE SE	40.0	40.0									40.0	40.0					
32	13	11	SE NW	20.5											20.5					
			NE NW	2.9											2.9					
			NE SW	10.5											10.5					
			SW SW	35.5	35.5									35.5	35.5					
			SE SW	19.2										19.2	19.2					
			NW SW	1.2	1.2									1.2	1.2					
			NW NE	40.0											40.0					
			SW NE	40.0											40.0					
			NE NE	40.0											40.0					
			SE NE	40.0											40.0					
			NW SE	29.8											29.8					
			SW SE	40.0											40.0					
			NE SE	40.0											40.0					
			SE SE	40.0											40.0					
32	13	12	NW NW	40.0											40.0					
			SW NW	40.0											40.0					
			NE NW	40.0											40.0					
			SE NW	40.0											40.0					
			NW SW	40.0											40.0					
			SW SW	40.0											40.0					

KBA_APP_134344

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			NE SW	40.0											40.0					
			SE SW	40.0											40.0					
			NW NE	40.0											40.0					
			SW NE	40.0											40.0					
			NE NE	32.0											32.0					
			SE NE	32.1											32.1					
			NW SE	40.0	40.0										40.0					
			SW SE	40.0	40.0										40.0					
			NE SE	31.9	31.9										31.9					
			SE SE	31.7											31.7					
32	13	13	NW NW	40.0											40.0					
			SW NW	40.0	40.0		40.0								40.0					
			NE NW	40.0	40.0										40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NW SW	40.0	40.0		40.0								40.0					
			SW SW	40.0	40.0		40.0								40.0					
			NE SW	40.0	40.0		40.0								40.0					
			SE SW	40.0	40.0		40.0								40.0					
			NW NE	40.0	40.0		40.0								40.0					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	31.3	31.3		31.3								31.3					
			SE NE	31.2	31.2		31.2								31.2					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0								40.0					
			NE SE	32.1	32.1		32.1								32.1					
			SE SE	32.8	32.8		32.8								32.8					
32	13	14	NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0								40.0					
			NE SE	40.0	40.0		40.0								40.0					
			SE SE	40.0	40.0		40.0								40.0					
			NW NW	40.0	40.0									40.0	40.0					
			SW NW	40.0	40.0									40.0	40.0					

KBA_APP_134345

					SOURCE																
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			NE NW	40.0	40.0									40.0	40.0					
			SE NW	40.0	40.0									40.0	40.0					
			NW SW	40.0	40.0									40.0	40.0					
			SW SW	40.0	40.0									40.0	40.0					
			NE SW	40.0	40.0									40.0	40.0					
			SE SW	40.0	40.0									40.0	40.0					
			NW NE	40.0	40.0										40.0					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	40.0	40.0										40.0					
			SE NE	40.0	40.0		40.0								40.0					
32	13	15	NW SE	40.0										40.0						
			SW SE	40.0										40.0						
			NE SE	40.0	40.0									40.0	40.0					
			SE SE	40.0	40.0									40.0	40.0					
			NE SW	22.8										22.8						
			SE SW	16.4																
			NW NE	19.3										19.3	19.3					
			SW NE	37.4										37.4						
			NE NE	40.0	40.0									40.0	40.0					
			SE NE	40.0	40.0									40.0	40.0					
			SE NW	14.5										14.5						
			NE NW	0.9										0.9	0.9					
32	13	22	NW NE	37.8										37.8						
			SW NE	38.7	38.7									38.7	38.7					
			NE NE	40.0	40.0									40.0	40.0					
			SE NE	40.0	40.0									40.0	40.0					
			NW SE	40.0	40.0									40.0	40.0					
			SW SE	40.0	40.0									40.0	40.0					
			NE SE	40.0	40.0									40.0	40.0					
			SE SE	40.0	40.0									40.0	40.0					
			NE NW	0.6										0.6						
			SE NW	1.1	1.1									1.1	1.1					

KBA_APP_134346

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
32	13	23	NW NE	40.0	40.0		40.0								40.0					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	40.0	40.0		40.0								40.0					
			SE NE	40.0	40.0		40.0								40.0					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0								40.0					
			NE SE	40.0	40.0		40.0								40.0					
			SE SE	40.0	40.0		40.0								40.0					
			NW SW	40.0	40.0									40.0	40.0					
			SW SW	40.0	40.0									40.0	40.0					
			NE SW	40.0	40.0									40.0	40.0					
			SE SW	40.0	40.0									40.0	40.0					
			NW NW	40.0										40.0	40.0					
			SW NW	40.0										40.0	40.0					
			NE NW	40.0										40.0	40.0					
			SE NW	40.0										40.0	40.0					
32	13	24	NW NW	40.0	40.0		40.0								40.0					
			SW NW	40.0	40.0		40.0								40.0					
			NE NW	40.0	40.0		40.0								40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NW SW	40.0	40.0		40.0								40.0					
			SW SW	40.0	40.0		40.0								40.0					
			NE SW	40.0	40.0		40.0								40.0					
			SE SW	40.0	40.0		40.0								40.0					
			NW NE	40.0	40.0		40.0								40.0					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	33.5	33.5		33.5								33.5					
			SE NE	34.5	34.5		34.5								34.5					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0		40.0	40.0					40.0					
			NE SE	35.5	35.5		35.5								35.5					
			SE SE	36.4	36.4		36.4		36.4	36.4					36.4					

KBA_APP_134347

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
32	13	25	NW NE	40.0															
			NE NE	37.3															
			SE NE	34.7	34.7				34.7	34.7									
			SW NE	39.6															
			NW NW	40.0															
			SW NW	40.0															
			NE NW	40.0															
			SE NW	40.0															
			NW SW	40.0															
			NE SW	39.0	39.0				39.0	39.0									
			SW SW	39.2	39.2				39.2	39.2									
			SE SW	28.5	28.5				28.5	28.5									
			NW SE	30.4	30.4				30.4	30.4									
			NE SE	27.9	27.9				27.9	27.9									
			SW SE	0.8	0.8				0.8	0.8									
			SE SE	1.6	1.6				1.6	1.6									
32	13	26	NW NW	40.0	40.0		40.0							40.0					
			NE NW	40.0	40.0		40.0							40.0					
			SE NW	40.0	40.0		40.0							40.0					
			NW SW	40.0	40.0		40.0							40.0					
			SW SW	40.0	40.0		40.0							40.0					
			NE SW	40.0	40.0		40.0							40.0					
			SE SW	40.0	40.0		40.0		40.0	40.0				40.0					
			NW NE	40.0	40.0		40.0							40.0					
			SW NE	40.0	40.0		40.0							40.0					
			NE NE	40.0	40.0		40.0							40.0					
			SE NE	40.0	40.0		40.0		40.0	40.0				40.0					
			NW SE	40.0	40.0		40.0		40.0	40.0				40.0					
			SW SE	40.0	40.0		40.0		40.0	40.0				40.0					
			NE SE	40.0	40.0		40.0		40.0	40.0				40.0					
			SE SE	40.0	40.0				40.0	40.0									
32	13	27	NW NE	40.0	40.0		40.0							40.0					

KBA_APP_134348

					SOURCE															
T	R	S	1/4 1/4	Acres	Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SW NE	40.0	40.0		40.0								40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NE SW	28.1	28.1		28.1								28.1					
			SE SW	1.4	1.4		1.4								1.4					
			NE SE	40.0	40.0		40.0								40.0					
			SE SE	40.0	40.0		40.0								40.0					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	35.0	35.0	f	35.0								35.0					
			NW SW	7.0	7.0		7.0								7.0					
32	13	28	NE NE	4.8	4.8		4.8								4.8					
32	13	33	NE NE	36.1	36.1		36.1								36.1					
			SE NE	37.9	37.9		37.9								37.9					
			SE SE	1.9	1.9		1.9								1.9					
			NE SE	9.4	9.4		9.4								9.4					
32	13	34	SW NE	40.0	40.0		40.0								40.0					
			NE NE	40.0	40.0		40.0								40.0					
			SE NE	40.0	40.0		40.0								40.0					
			NE SW	40.0	40.0		40.0								40.0					
			SE SW	40.0	40.0		40.0								40.0					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0								40.0					
			NE SE	40.0	40.0		40.0								40.0					
			SE SE	40.0	40.0		40.0								40.0					
			NW NW	38.4	38.4		38.4								38.4					
			NE NW	38.1	38.1		38.1								38.1					
			SW NW	40.0	40.0		40.0								40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NW NE	40.0	40.0		40.0								40.0					
			NW SW	39.6	39.6		39.6								39.6					
			SW SW	39.8	39.8		39.8								39.8					
32	13	35	NW NW	40.0	40.0		40.0													
			NE NW	40.0	40.0		40.0								40.0					

KBA_APP_134349

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
			SW NW	40.0	40.0		40.0								40.0					
			SE NW	35.4	35.4				35.4	35.4		35.4	35.4	35.4	35.4					
			NE SW	30.2	30.2				30.2	30.2		30.2	30.2	30.2	30.2					
			NW SW	40.0	40.0		40.0								40.0					
			SW SW	39.1	39.1		39.1		39.1	39.1		39.1	39.1	39.1	39.1					
			SE SW	14.2	14.2				14.2	14.2		14.2								
			NE NE	37.2	37.2		27.3		37.2	37.2		9.9			27.3					
			NW NE	39.1	39.1		38.6		39.1	39.1		0.5			38.6					
			SW NE	37.0	37.0				37.0	37.0		33.3			3.7					
			SE NE	22.4	22.4				22.4	22.4		22.4								
32	13	36	NW NW	34.7	34.7				30.4	30.4		30.4			4.3					
			SW NW	4.3	4.3				4.3	4.3		4.3								
			NE NW	4.0	4.0				4.0	4.0										
33	13	2	NW NW	35.1	35.1		35.1						15.4		35.1					
			SW NW	28.3	28.3		28.3						28.3		28.3					
			NE NW	16.3	16.3		16.3						16.3		16.3					
			SE NW	34.6	34.6		34.6						34.6		34.6					
			NW SW	36.4	36.4		36.4						36.4		36.4					
			SW SW	16.9	16.9		16.9						16.9		16.9					
			NE SW	19.1	19.1		19.1						19.1		19.1					
33	13	3	NW NE	41.9	41.9		41.9								41.9					
			SW NE	40.0	40.0		40.0								40.0					
			NE NE	36.7	36.7		36.7								36.7					
			SE NE	35.3	35.3		35.3								35.3					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	39.1	39.1		39.1								39.1					
			NE SE	36.8	36.8		36.8						27.3		36.8					
			SE SE	37.3	37.3		37.3						19.4		37.3					
			NE NW	39.0	39.0		39.0								39.0					
			SE NW	21.5	21.5		21.5								21.5					
			NW NW	32.7	32.7		32.7								32.7					
			SW NW	1.8	1.8		1.8								1.8					

KBA_APP_134350

T	R	S	1/4 1/4	Acres	SOURCE														
					Sycan	AL	Chock-toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
33	13	10	NW NE	23.8	23.8		23.8								23.8					
			NE NE	9.4	9.4		9.4								9.4					
			SW NE	5.6	5.6		5.6								5.6					

KBA_APP_134351

12. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water for a portion of the claimed uses occurred on or before October 8, 1879.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **40**
Pre-1909 claim

Current Claimant(s) of Record:

Ambrose McAuliffe
Susan McAuliffe
PO Box 456
Ft. Klamath OR 97626

Original Claimant(s):

Ambrose McAuliffe
Susan McAuliffe

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 20 cubic feet per second from two points of diversion located on Anna Creek (aka Annie Creek), tributary to Wood River, for fish and wildlife use.

4. The claimed period of use is "year around."

5. The claimed priority date is April, 1898.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **42**
Pre-1909 claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after February 24, 1909.

   c. Continuous use of water without having been abandoned for a period of two consecutive years.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 2 cubic feet per second from one point of diversion located on Sevenmile Creek, tributary to Agency Lake, for fish & wildlife.

4. The claimed period of use is year round.

5. The claimed priority date is 1891.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **43**
Pre-1909 claim

Current Claimant(s) of Record:

Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after February 24, 1909.

   c. Continuous use of water without having been abandoned for a period of two consecutive years.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 2 cubic feet per second from two points of diversion located on Annie Creek, tributary to Wood River, for fish & wildlife.

4. The claimed period of use is year round.

5. The claimed priority date is 1891.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **44**
Pre-1909 claim

Current Claimant(s) of Record:

Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after February 24, 1909.

   c. Continuous use of water without having been abandoned for a period of two consecutive years.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Sevenmile Creek, tributary to Agency Lake, for fish & wildlife.

4. The claimed period of use is year round.

5. The claimed priority date is 1891.

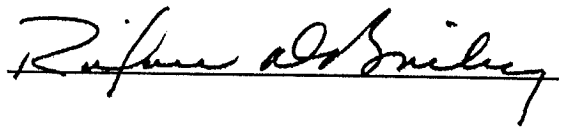
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **47**
Pre-1909 claim

Current Claimant(s) of Record:

Roger Nicholson Cattle Co
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson Cattle Co

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after February 24, 1909.

   c. Continuous use of water without having been abandoned for a period of two consecutive years.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 2 cubic feet per second from two points of diversion located on Annie Creek, tributary to Wood River, for fish and wildlife.

4. The claimed period of use is year round.

5. The claimed priority date is 1891.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **52**
Pre-1909 claim

Current Claimant(s) of Record:

Donald R Holm
Holm, Patricia
379 Avocado Crest
La Habra Hts CA 90631

Original Claimant(s):

Donald R Holm
Holm, Patricia

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time.

CLAIM INFORMATION

2. The claim was filed on November 21, 1990.

3. The claim is for a total of 2.0 cubic feet per second from one point of diversion located on Spring Creek, tributary to Williamson River, for irrigation of 80 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is prior to 1890.

FINDINGS OF FACT

6. The Department performed a Final Proof Survey which did not find the use as claimed.

7. The delivery system has the capacity to deliver 0.07 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 4, Township 34 South, Range 7 East, W.M.

   SOURCE: Spring Creek, tributary to Williamson River

   USE: irrigation of 7.8 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.07 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1889

   PLACE OF USE:

   SW ¼ NE ¼ 5.0 ACRES IRRIGATION
   SE ¼ NE ¼ 2.8 ACRES IRRIGATION
   SECTION 13
   TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to 1890.

    b. Works were completed within a reasonable time.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **111**
Pre-1909 claim

Current Claimant(s) of Record:

C B Chapline
Chapline, Jo I
Box 31
Sprague River OR 97639

Original Claimant(s):

C B Chapline
Chapline, Jo I

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for an unspecified amount from the Sprague River for irrigation of 13.2 acres and livestock.

4. The claimed period of use is April 1 through June 30.

5. The claimed priority date is February 23, 1909.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **132**
Pre-1909 claim

Current Claimant(s) of Record:

Cameron A Curtiss
21051 Hwy 140 West
Klamath Falls OR 97601

Original Claimant(s):

Cameron A Curtiss

The general location of the claimed use is Township 37 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 16, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 13.5 cubic feet per second from two points of diversion located on Moss Creek and Denny Creek (Rock Creek), tributary to Upper Klamath Lake, for power generation.

4. The claimed period of use is year round.

5. The claimed priority date is January 25, 1909.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

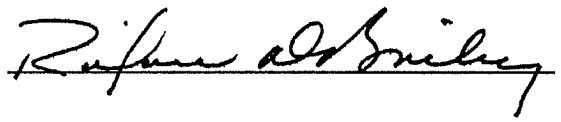
   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **133**
Pre-1909 claim

Current Claimant(s) of Record:

Cameron A Curtiss
21051 Hwy 140 West
Klamath Falls OR 97601

Original Claimant(s):

Cameron A Curtiss

The general location of the claimed use is Township 37 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 16, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 39.4 cubic feet per second from four points of diversion located on Moss Creek, Denny Creek (Rock Creek), and Upper Klamath Lake, tributary to Klamath River, for irrigation of 936.6 acres and livestock.

4. The claimed period of use is March through September.

5. The claimed priority date is January 25, 1909.

6. The Department performed a field inspection which found the uses as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Moss Creek: NW ¼ NW ¼, Section 7, Township 37 South, Range 7 East, W.M.
Rock Creek: NW ¼ SE ¼, Section 9, Township 37 South, Range 7 East, W.M.
Upper Klamath Lake: Lot 7 NE ¼ SE ¼, Section 32, Township 36 South, Range 7 East, W.M.

SOURCE: Moss Creek, Rock Creek, and Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 936.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: not to exceed a total of 23.42 cubic feet per second, measured at the points of diversion, being 1.5 cubic feet per second from Moss Creek, 13.5 cubic feet per second from Rock Creek, and 23.4 cubic feet per second from Upper Klamath Lake

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: January 25, 1909

PLACE OF USE:

LOT 4 SE ¼ SE ¼ 6.4 ACRES IRRIGATION AND LIVESTOCK
LOT 7 NE ¼ SE ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	34.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NE ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ SE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SE ¼ NE ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SE ¼ NW ¼	11.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ SW ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK
LOT 11 SW ¼ SW ¼	15.3	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ SW ¼	4.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

LOT 3 NW ¼ NW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	30.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NE ¼ NE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5 SE ¼ NE ¼	19.7	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NW ¼ SE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ SE ¼	5.6	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SW ¼ SE ¼	17.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NW ¼ SE ¼	26.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ NE ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 11 NE ¼ NE ¼	32.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ NW ¼	28.4	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼ NW ¼ 10.8	ACRES IRRIGATION AND LIVESTOCK	
LOT 13 NE ¼ SW ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
LOT 13 NW ¼ SW ¼ 1.2	ACRES IRRIGATION AND LIVESTOCK	
LOT 14 SW ¼ SW ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 14 SE ¼ SW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

NW ¼ SE ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NE ¼	9.8	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NE ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NW ¼ NE ¼	17.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ NW ¼	12.8	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ NW ¼	35.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 30 000 gallons per day from Rock Creek and Upper Klamath Lake, measured at the point of diversion

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **134**
Pre-1909 claim

Current Claimant(s) of Record:

Glenda J Buchanan
13851 Algoma Rd.
Klamath Falls OR 97601

Original Claimant(s):

Glenda J Buchanan

The general location of the claimed use is Township 37 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 8, 1990.

3. The claim is for a total of 1.18 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 47.0 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is Spring 1894.

FINDINGS OF FACT

6. The Department performed a Final Proof Survey which found the use as claimed.

7. The delivery system has the capacity to deliver 0.81 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 3, NW ¼ SE ¼, Section 13, Township 37 South, Range 8 East, W.M.

   SOURCE: Upper Klamath Lake, tributary to Klamath River

   USE: irrigation of 47.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.81 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: June 21, 1894

   PLACE OF USE:

NE ¼ SE ¼	5.2	ACRES IRRIGATION
LOT 4 SW ¼ SE ¼	9.6	ACRES IRRIGATION
SE ¼ SE ¼	32.2	ACRES IRRIGATION

SECTION 13
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **135**
Pre-1909 claim

Current Claimant(s) of Record:

Robert Buchanan
13490 Algoma Rd.
Klamath Falls OR 97601

Original Claimant(s):

Robert Buchanan

The general location of the claimed use is Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.

3. The claim is for a total of 2 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 78 acres.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is Spring of 1894.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 1.74 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. For diversion point 1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Lot 2 SW ¼ NE ¼, Section 13, Township 37 South, Range 8 East, W.M.

   SOURCE: Upper Klamath Lake, tributary to Klamath River

   USE: irrigation of 78.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.74 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: March 17, 1894

   PLACE OF USE:

   NW ¼ SE ¼ 39.0 ACRES IRRIGATION
   SW ¼ SE ¼ 39.0 ACRES IRRIGATION
   SECTION 7
   TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **136**
Pre-1909 claim

Current Claimant(s) of Record:

Dorothy Buchanan
Lewis Hagelstein
Robert Buchanan
Glenda Buchanan
C. Marie Suiter
Ruth Hagelstein
13851 Algoma Rd
Klamath Falls OR 97601

Original Claimant(s):

Dorothy Buchanan
Lewis Hagelstein
Robert Buchanan
Glenda Buchanan
C. Marie Suiter
Ruth Hagelstein

The general location of the claimed use is Township 37 South, Range 8 East and Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 13, 1990.

3. The claim is for a total of 7.61 cubic feet per second from two points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 305.4 acres and livestock water for 300 head.

4. The claimed period of use is April 1 through November 1 for irrigation and year round for livestock.

5. The claimed priority date is Spring 1894.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 4.78 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 18, Township 37 South, Range 9 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 227.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.68 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NE¼SE¼	15.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SE ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

SW ¼ NW ¼	20.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NE ¼	18.9	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	32.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	36.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	11.9	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	17.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼	28.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SW ¼	31.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 13, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 78.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.96 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: June 21, 1894

PLACE OF USE:

SE¼NE¼	19.4	ACRES IRRIGATION AND LIVESTOCK
NE¼SE¼	18.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NE ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SE ¼	25.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 3600 gallons per day for 300 head of livestock, measured at the points of diversion.

10. For the required Pre-1909 elements the Department finds:

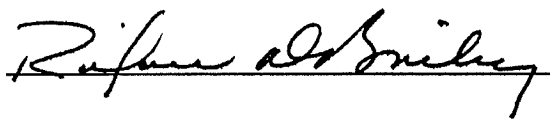
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **137**
Pre-1909 claim

Current Claimant(s) of Record:

James Robert Mueller
16087 Algoma Rd.
Klamath Falls OR 97601

Original Claimant(s):

James Robert Mueller

The general location of the claimed use is Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 20, 1990.

3. The claim is for a total of 0.71 cubic feet per second from one point of diversion located on unnamed Spring for irrigation of 27.6 acres and domestic use.

4. The claimed period of use is April 1 to November 1.

5. The claimed priority date is Spring 1894.

FINDINGS OF FACT

6. The Department performed a field inspection which found the irrigation and domestic use as claimed.

7. The field inspection described that water not used domestically overflows and flood irrigates pasture. The overflow was measured at 35 gallons per minute.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 7, Township 37 South, Range 9 East, W.M.

SOURCE: unnamed Spring, tributary to Upper Klamath Lake

USE: irrigation of 27.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.07 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NW ¼ NE ¼ 2.5 ACRES IRRIGATION
SW ¼ NE ¼ 25.1 ACRES IRRIGATION
SECTION 7
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NW ¼ NE ¼ DOMESTIC
SECTION 7
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

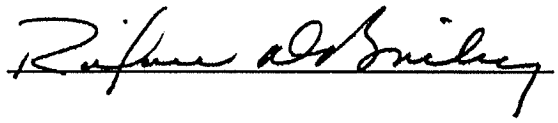
    a. Use of water, or construction of works for the application of water occurred in 1894.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **138**
Pre-1909 claim

Current Claimant(s) of Record:

Roland Lindsay
Lindsay Lumber Company
525 N Barneburg Rd
Medford OR 97504

Original Claimant(s):

Roland Lindsay
Lindsay Lumber Company

The general location of the claimed use is Township 38 South, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for an unspecified quantity of water from #1 Blake Spring and unnamed spring, tributary to Grizzly Creek, for domestic to include livestock.

4. The claimed period of use is year round

5. The claimed priority date is 1887.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system for Blake Spring has the capacity to deliver the claimed amount. The livestock have direct access to the unnamed spring.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 14, Township 38 South, Range 3 East, W.M.

SOURCE: Blake Spring, tributary to Grizzly Creek

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1887

PLACE OF USE:

SW ¼ SW ¼ DOMESTIC
SECTION 14
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

POINT OF DIVERSION LOCATIONS:
Blake Spring: SW ¼ SW ¼, Section 14, Township 38 South, Range 3 East, W.M.
Unnamed Spring: SE ¼ SW ¼, Section 15, Township 38 South, Range 3 East, W.M.

SOURCE: Blake Spring and unnamed spring, tributary to Grizzly Creek

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 6000 gallons per day from all sources, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1887

PLACE OF USE:

SW ¼ SW ¼ LIVESTOCK
SECTION 14
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

SE ¼ SE¼ LIVESTOCK
SECTION 15
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred in 1887.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **139**
Pre-1909 claim

Current Claimant(s) of Record:

James Miller
PO Box 1088
Ashland OR 97520

Original Claimant(s):

James Miller

The general location of the claimed use is Township 38 South, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 19, 1990.

3. The claim is for a total of 20 gallons per minute from one point of diversion located on unnamed Spring, tributary to Klamath River, for domestic and livestock.

4. The claimed period of use is year round.

5. The claimed priority date is April 20, 1882.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 32, Township 38 South, Range 3 East, W.M.

   SOURCE: unnamed Spring, tributary to Klamath River

   USE: domestic and livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second for domestic use and 11,040 gallons per day for livestock, measured at the point of diversion. This is less than the quantity claimed for domestic use.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: April 20, 1882

   PLACE OF USE:

   SE ¼ SE ¼ DOMESTIC AND LIVESTOCK
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

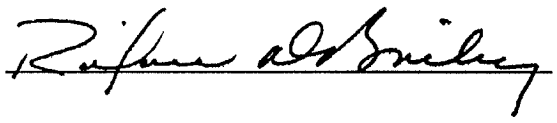
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **140**
Pre-1909 claim

Current Claimant(s) of Record:

Lee Bradshaw
10275 Hwy 140
Eagle Point OR 97524

Original Claimant(s):

Roland Lindsay
Lindsay Lumber Company

The general location of the claimed use is Township 38 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 3800 gallons per day from two points of diversion located on Meyers Spring and Kingsbury Spring, tributary to Hoxie Creek, for livestock of 250 head.

4. The claimed period of use is year round.

5. The claimed priority date is 1890.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The livestock drink directly from Meyers Spring and Kingsbury Spring.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS:
   NW ¼ NW ¼, Section 20, Township 38 South, Range 4 East, W.M.
   NE ¼ SW ¼, Section 20, Township 38 South, Range 4 East, W.M.

   SOURCE: Meyers Spring and Kingsbury Spring, tributary to Hoxie Creek

   USE: livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 3800 gallons per day from all sources, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: December 31, 1890

   PLACE OF USE:

NW ¼ NW ¼	LIVESTOCK
NE ¼ SW ¼	LIVESTOCK

SECTION 20
TOWNSHIP 38 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **141**
Pre-1909 claim

Current Claimant(s) of Record:

Nancy Charley
3497 Edella Ave
Central Point OR 97502

Original Claimant(s):

Nancy Charley

The general location of the claimed use is Township 38 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 25, 1990.

3. The claim is for a total of 36.3 cubic feet per second from one point of diversion located on an unnamed stream, unnamed springs, and Tunnel Creek and spring, tributary to Spencer Creek, for irrigation of 1448.9 acres.

4. The claimed period of use is June 1 through October 1.

5. The claimed priority date is November 14, 1901.

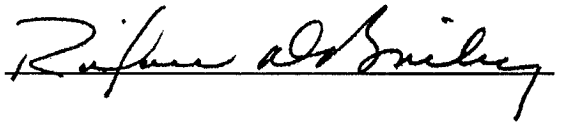
FINDINGS OF FACT

6. For the required Pre-1909 elements, the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **142**
Pre-1909 claim

Current Claimant(s) of Record:

Geary Bros Caledonia Ranch, a co-tenancy
Harriman Route Box 8
Klamath Falls OR 97601

Original Claimant(s):

Geary Bros Caledonia Ranch, a co-tenancy

The general location of the claimed use is Townships 37 and 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3 acre-feet from two points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 778.6 acres.

4. The claimed period of use is April 15 through January 15.

5. The claimed priority date is 1866.

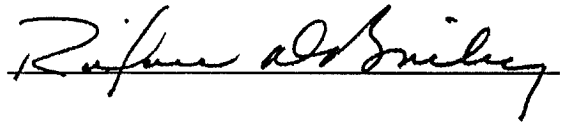
FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **143**
Pre-1909 claim

Current Claimant(s) of Record:

Daryl J Kollman
Marta C Kollman
1300 Main
Klamath Falls OR 97601

Original Claimant(s):

Estate of Agnes McCornack Oliver

The general location of the claimed use is Township 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 12.6 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for 497.9 acres of irrigation, and 500 head of livestock.

4. The claimed period of use is January 1 through December 31 for both uses.

5. The claimed priority date is 1866.

FINDINGS OF FACT

6. The Department performed a field inspection which found the uses as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For irrigation use: SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 14, Township 38 South, Range 8 East, W.M.

   SOURCE: Upper Klamath Lake, tributary to Klamath River

   USE: irrigation of 497.9 acres and livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 12.5 cubic feet per second, measured at the point of diversion, for irrigation

   0.01 cubic feet per second for livestock

   PERIOD OF USE: January 1 - December 31 for irrigation
   January 1 - December 31 for livestock

   PRIORITY DATE: December 31, 1866

   PLACE OF USE:

SE ¼ NW ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	7.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK

LOT 2 SW ¼ NW ¼	13.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ NW ¼	22.6	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SE ¼ NW ¼	3.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NE ¼ SW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6 SE ¼ SW ¼	36.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	5.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SE ¼ NE ¼	31.9	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NW ¼ SE ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 5 SW ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 6 SE ¼ NE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 7 NW ¼ SE ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SE ¼	31.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NE ¼ NE ¼	1.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NE ¼ SW ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ NE ¼	9.6	ACRES IRRIGATION AND LIVESTOCK
LOT 8 NW ¼ NE ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NW ¼ NW ¼	59.3	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ NW ¼	39.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water began in 1866.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **144**
Pre-1909 claim

Current Claimant(s) of Record:

JELD-WEN, Inc.
PO Box 5079
Klamath Falls OR 97601-1017

Original Claimant(s):

JELD-WEN, Inc.

The general location of the claimed use is Townships 37 and 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 15, 1991.

3. The claim is for a total of 77 cubic feet per second from three points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 5572.6 acres and livestock watering for 4500 head.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is 1866.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION #1 LOCATION: Government Lot 3, NE ¼ NW ¼, Section 32, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 1197.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 16.0 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1866

PLACE OF USE:

	NE ¼ SE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1		56.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	8.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 31
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	18.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	32.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	25.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NW ¼	13.4	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ SW ¼	6.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NW ¼	19.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	33.7	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SW ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SW ¼ SW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	35.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	35.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	10.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	19.8	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	21.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK

LOT 1	SE ¼ SW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ SE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SE ¼ SE ¼	48.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK

SECTION 6
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 12 NE ¼ NE ¼ 2.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 1	NE ¼ NW ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	7.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ NW ¼	3.1	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NW ¼	38.1	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ NW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ NW ¼	6.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: SE ¼ SE ¼, Section 29, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 424.0 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 5.0 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1866

PLACE OF USE:

	SE ¼ SE ¼	1.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 29
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	SE ¼ NE ¼	20.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	5.8	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	31.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ SW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	32.6	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SW ¼	40.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ SW ¼	8.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ NW ¼	27.3	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	19.7	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	5.8	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	39.9	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SE ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	14.5	ACRES IRRIGATION AND LIVESTOCK
LOT 12	NW ¼ SE ¼	25.3	ACRES IRRIGATION AND LIVESTOCK
LOT 13	SW ¼ NE ¼	31.5	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NW ¼ NE ¼	29.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #3 LOCATION: Government Lot 5, SE ¼ NW ¼, Section 7, Township 38 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 3951.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 52.0 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1866

PLACE OF USE:

	SW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ NW ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SW ¼	32.9	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ SW ¼	32.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ NW ¼	10.5	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NW ¼ SE ¼	55.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 7
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 3	NW ¼ SW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ SE ¼	2.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SE ¼	26.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ SW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ SW ¼	50.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 6	SE ¼ SW ¼	9.3	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	25.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 3	NE ¼ SW ¼	2.5	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SW ¼	12.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ SW ¼	44.4	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SW ¼ SE ¼	14.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	38.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SE ¼	13.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NE ¼	30.1	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	49.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	34.3	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 17

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SE ¼	9.7	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SE ¼	7.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ NE ¼	26.1	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NW ¼	5.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SE ¼ SE ¼	46.4	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ SW ¼	14.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ NW ¼	30.2	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	9.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 20
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.5	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	37.5	ACRES IRRIGATION AND LIVESTOCK

	NW ¼ SE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 21
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NE ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	32.3	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	18.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	32.9	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	35.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ SE ¼	18.5	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SE ¼	24.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ NE ¼	12.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NE ¼	35.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	38.4	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	2.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	13.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SE ¼	15.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ SE ¼	14.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SW ¼	24.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SW ¼ SW ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	31.5	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SW ¼	14.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ SE ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	29.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NW ¼ NE ¼	29.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 27
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	36.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ SE ¼	2.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ SE ¼	24.8	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ NW ¼	13.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NW ¼	32.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 28
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 8	NE ¼ NE ¼	4.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 29
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	3.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 54,000 gallons per day total from points of diversion #1 and #3, measured at the points of diversion. This is less than the amount claimed.

10. For the required Pre-1909 elements the Department finds:

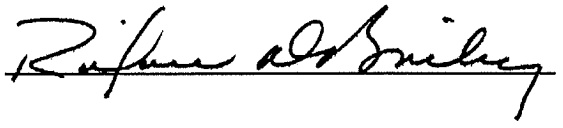
a. Use of water, or construction of works for the application of water occurred in 1866.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **145**
Pre-1909 claim

Current Claimant(s) of Record:

David A Baltazor
318 Riverside DR.
Klamath Falls OR 97601

Original Claimant(s):

David A Baltazor

The general location of the claimed use is Township 38 South Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 0.10 acre.

4. The claimed period of use is April through October.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 4 NW ¼ SE ¼, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12 NE ¼ SW ¼ 0.1 ACRE IRRIGATION
SECTION 32
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **146**
Pre-1909 claim

Current Claimant(s) of Record:

Harry D Boivin
by Robert D Boivin, his attorney-in-fact
110 North 6th Street
Klamath Falls OR 97601

Original Claimant(s):

Harry D Boivin
by Robert D Boivin, his attorney-in-fact

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on Link River, tributary to "Klamath Lake/Klamath River", for irrigation of 0.02 acres.

4. The claimed period of use is April 1 to October 30.

5. The claimed priority date is November 1, 1895.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **147**
Pre-1909 claim

Current Claimant(s) of Record:

Charles M Cline
2237 California
Klamath Falls OR 97601

Original Claimant(s):

Charles M Cline

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake "West Side irrigation from Link River", tributary to Lower Klamath Lake, for irrigation of 0.20 acre.

4. The claimed period of use is April 1 to November 1.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 12 NE ¼ SW ¼ 0.2 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

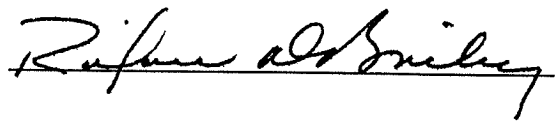
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **148**
Pre-1909 claim

Current Claimant(s) of Record:

Albert J. Conforti
204 S. Riverside
Klamath Falls OR 97601-4252

Original Claimant(s):

Albert Conforti

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 0.4 cubic feet per second from one point of diversion located on Upper Klamath Lake (Westside Irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.15 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 12 NE ¼ SW ¼ 0.2 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **149**
Pre-1909 claim

Current Claimant(s) of Record:

Scott C Kellstrom
622 Conger Ave
Klamath Falls OR 97601

Original Claimant(s):

Claude W Cross

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 0.025 cubic feet per second from one point of diversion located on Link River, tributary to "Upper Klamath Lake - Lake Ewauna," for irrigation of two acres.

4. The claimed period of use is April through October.

5. The claimed priority date is 1880.

6. The Department performed a field inspection which found the irrigated area to be smaller than the area claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Lake Ewauna

   USE: irrigation of 0.5 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1880

   PLACE OF USE:

   LOT 8 SE ¼ NW ¼ 0.5 ACRES IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1880.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **150**
Pre-1909 claim

Current Claimant(s) of Record:

Conrad Caillouette
Tamara Caillouette
234 Riverside Dr.
Klamath Falls OR 97601

Original Claimant(s):

Gordon Douglas

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim is for a total of 10 gallons per minute from one point of diversion located on Upper Klamath Lake (Westside irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.4 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department did not perform a field inspection.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 12 NE ¼ SW ¼ 0.4 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **151**
Pre-1909 claim

Current Claimant(s) of Record:

Wilford A Dunster
346 Riverside
Klamath Falls OR 97601

Original Claimant(s):

Wilford A Dunster

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Upper Klamath Lake "Westside Irrigation from Link River", tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.10 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 South, Range 9 East, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **152**
Pre-1909 claim

Current Claimant(s) of Record:

David C Elliott
Eloise J Elliot
200 Macklyn Cove Dr Apt 11
Brookings OR 97415-9691

Original Claimant(s):

David C Elliott
Eloise J Elliot

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on Link River, tributary to "Klamath Lake/Klamath River", for irrigation of 0.1 acres.

4. The claimed period of use is April 1 - October 30.

5. The claimed priority date is November 1, 1895.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

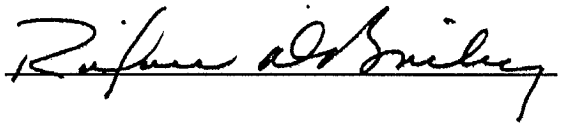
   a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **153**
Pre-1909 claim

Current Claimant(s) of Record:

Michael J Reynolds
Pamela A Traina
702 Conger Ave
Klamath Falls OR 97601

Original Claimant(s):

John L Fletcher

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for an unspecified amount of water from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 0.4 acres.

4. The claimed period of use is April 1 - October 30.

5. The claimed priority date is November 1, 1895.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **154**
Pre-1909 claim

Current Claimant(s) of Record:

Alice M Galloway
324 Riverside Drive
Klamath Falls OR 97601

Original Claimant(s):

Alice M Galloway

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 15, 1990.

3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Upper Klamath Lake "Westside irrigation from Link River", tributary to Lower Klamath Lake, for irrigation of 0.10 acre.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

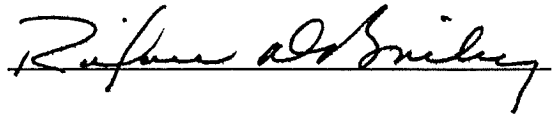
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **155**
Pre-1909 claim

Current Claimant(s) of Record:

Mike Massoud
Beverly Ghiassi
3390 Kallin Ave
Long Beach CA 90808

Original Claimant(s):

Mike Massoud
Beverly Ghiassi

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 22, 1991.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River for irrigation of 0.4 acres.

4. The claimed period of use is April 1 to October 15.

5. The claimed priority date is June 22, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Lake Ewauna

   USE: irrigation of 0.4 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: June 22, 1905

   PLACE OF USE:

   LOT 8 SE ¼ NW ¼ 0.4 ACRES IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

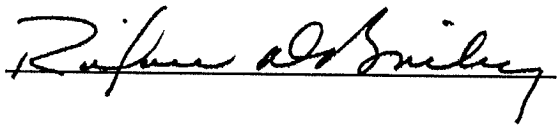
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began on June 22, 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **156**
Pre-1909 claim

Current Claimant(s) of Record:

James Dillon
Debra Dillon
406 Riverside Dr.
Klamath Falls OR 97601

Original Claimant(s):

Fred L Goeller

The general location of the claimed use is Township 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 0.0038 cubic feet per second from one point of diversion located on Upper Klamath Lake (Westside irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.15 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 32, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation of 0.1 acre. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

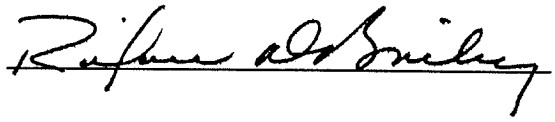
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **157**
Pre-1909 claim

Current Claimant(s) of Record:

Daryl Kollman
Marta Kollman
532 Riverside
Klamath Falls OR 97601

Klamath Crisis Center
142 Riverside
Klamath Falls OR 97610

Original Claimant(s):

Peter Green

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 0.0175 cubic feet per second from one point of diversion located on Upper Klamath Lake "Westside Irrigation from Link River", tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.7 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12	NE ¼ SW ¼	0.3	ACRE IRRIGATION
LOT 11	SE ¼ SW ¼	0.4	ACRE IRRIGATION

SECTION 32
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

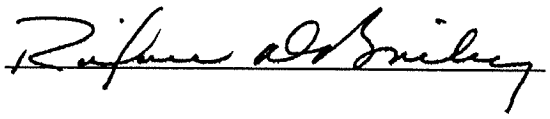
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **158**
Pre-1909 claim

Current Claimant(s) of Record:

Steven L Hess
446 Riverside Dr.
Klamath Falls OR 97601

Original Claimant(s):

Steven L Hess

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on West Side irrigation from Link River, tributary to Lower Klamath Lake and Lower Klamath River, for irrigation of 0.1 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

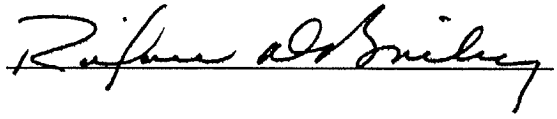
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **159**
Pre-1909 claim

Current Claimant(s) of Record:

Jess House
706 Conger Ave
Klamath Falls OR 97601

Original Claimant(s):

Jess House

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River for irrigation of 0.4 acres.

4. The claimed period of use is April 15 to November 1.

5. The claimed priority date is 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Lake Ewauna

   USE: irrigation of 0.4 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1905

   PLACE OF USE:

   LOT 8 SE ¼ NW ¼ 0.4 ACRES IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **160**
Pre-1909 claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 16.62 cubic feet per second from "Upper Klamath Lake and drainage into canal" for irrigation of 37 acres, industrial use, and fire suppression.

4. The claimed period of use is May 1 through October 1 for irrigation, and "12 months of the year" for industrial use and fire suppression.

5. The claimed priority date is 1905.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

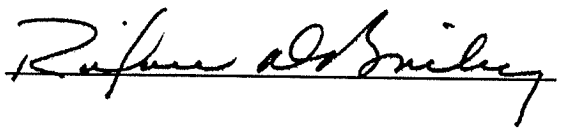
   a. Based on the claimed priority date, use of water, or construction of works for the application of water occurred in 1905.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **161**
Pre-1909 claim

Current Claimant(s) of Record:

City of Klamath Falls
PO Box 237
Klamath Falls OR 97601

Original Claimant(s):

City of Klamath Falls

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Lower Klamath River, for irrigation of 0.3 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12 NE ¼ SW ¼ 0.3 ACRE IRRIGATION
SECTION 32
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **162**
Pre-1909 claim

Current Claimant(s) of Record:

Herbert C LeSueur
Mary-Louise LeSueur
572 Conger Ave
Klamath Falls OR 97601

Original Claimant(s):

Herbert C LeSueur
Mary-Louise LeSueur

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.

3. The claim is for 35 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Lake Ewauna, for irrigation of 1.9 acres.

4. The claimed period of use is April 1 through October 15.

5. The claimed priority date is June 29, 1880, June 22, 1905, and/or July 6, 1953.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

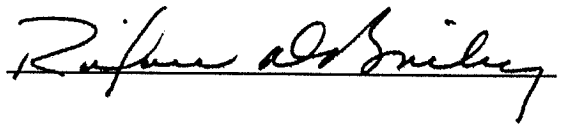
   a. Based on the claimed priority date, use of water or construction of works for the application of water began on June 29, 1880.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **163**
Pre-1909 claim

Current Claimant(s) of Record:

Jeanene M Oatman
430 Riverside Drive
Klamath Falls OR 97601

Original Claimant(s):

Jeanene M Oatman

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Westside irrigation from Link River, tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.10 acre.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is October 16, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

   LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **164**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is 139 Mill Street, Klamath Falls, the NE 1/4 SW 1/4 Section 32, T38S R9E, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 0.4 acres.

4. The claimed period of use is April 1 through October 30.

5. The claimed priority date is December 11, 1891.

FINDINGS OF FACT

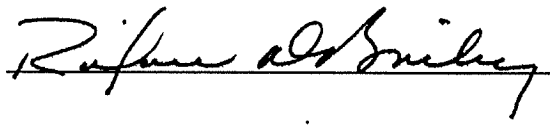
6. For the required Pre-1909 elements the Department finds:

   a. The record does not establish that the claimed application or use of water occurred prior to February 24, 1909.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **165**
Pre-1909 claim

Current Claimant(s) of Record:

Pacificorp doing business as
Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp doing business as
Pacific Power and Light Co.

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for 1 cubic foot per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 7.7 acres.

4. The claimed period of use is April 1 - October 30.

5. The claimed priority date is November 1, 1895.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

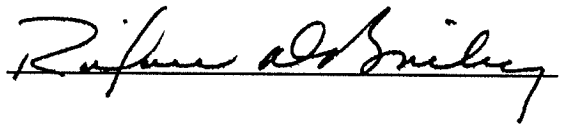
   a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **166**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 6.6 acres.

4. The claimed period of use is April 1 through October 30.

5. The claimed priority date is December 11, 1891.

FINDINGS OF FACT

6. The Department performed a field inspection which found a portion of the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Klamath River

   USE: irrigation of 3.1 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.08 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

LOT 12	NE ¼ SW ¼	1.7	ACRES IRRIGATION
LOT 11	SE ¼ SW ¼	1.4	ACRES IRRIGATION

SECTION 32
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

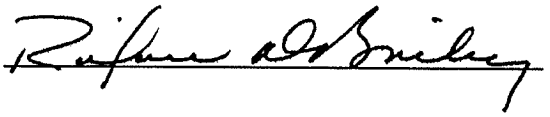
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **167**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp
dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 17, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 150 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for power.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is November 1, 1895.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the amount claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For power use:SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Lake Ewauna

   USE: power

   AMOUNT ACTUALLY BENEFICIALLY USED: 150 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: November 1, 1895

   PLACE OF USE:

   LOT 7 NW ¼ NW ¼ POWER
   SECTION 32
   TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **168**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp
dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 17, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 205 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for power.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is December 11, 1891.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For power use:SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Link River, tributary to Klamath River

   USE: power

   AMOUNT ACTUALLY BENEFICIALLY USED: 205 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: October 16, 1905

   PLACE OF USE:

LOT 1 NW ¼ SW ¼	POWER
SECTION 32	
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.	

10. For the required Pre-1909 elements the Department finds:

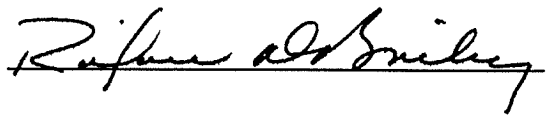
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **169**
Pre-1909 claim

Current Claimant(s) of Record:

Terrel Wagstaff
680 Conger Ave
Klamath Falls OR 97601

Original Claimant(s):

Terrel Wagstaff

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for 0.08 cubic feet per second from one point of diversion located on "power flume from Link River dam", tributary to Lake Ewauna, for irrigation of 0.2 acres.

4. The claimed period of use is April 1 - October 15.

5. The claimed priority date is 1895, 1905, and/or 1925.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Based on the claimed priority date, use of water or construction of works for the application of water began in 1895.

   b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **170**
Pre-1909 claim

Current Claimant(s) of Record:

Lisa Brooks
Joe Brooks, Jr.
1839 S Ogden
Denver, CO 80210

Original Claimant(s):

Joseph E Brooks
Brooks, Frances M

The general location of the claimed use is Township 39 South, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 1, 1990.

3. The claim is for a total of 0.22 cubic feet per second from one point of diversion located on a spring, a tributary to Burnt Creek, tributary to Keene Creek, a tributary to Jenny Creek, for irrigation of 8.8 acres.

4. The claimed period of use begins in April and ends before the end of October.

5. The claimed priority date is 1893.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 8, Township 39 South, Range 3 East, W.M.

   SOURCE: an unnamed spring, a Burnt Creek

   USE: irrigation of 8.8 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.22 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1893

   PLACE OF USE:

   SW ¼ SW ¼ 8.8 ACRES IRRIGATION
   SECTION 8
   TOWNSHIP 39 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred by or during 1893.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **171**
Pre-1909 claim

Current Claimant(s) of Record:

Donald E Rowlett
16799 Hwy66
Ashland OR 97520

Original Claimant(s):

Donald E Rowlett

The general location of the claimed use is Township 39 & 40 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 12, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 26, 1990.

3. The claim is for a total of 2.65 cubic feet per second from four points of diversion located on Beaver Creek, South Fork Beaver Creek and 2 unnamed streams, tributary to Jenny Creek, for irrigation of 106.1 acres.

4. The claimed period of use is March 15 through November 15.

5. The claimed priority date is 1879.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS: NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M. and NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M.

SOURCE: Commingled water of Beaver Creek and South Fork Beaver Creek, tributary to Jenny Creek

USE: irrigation of 11.5 acres

PERIOD OF USE: March 15 - November 15

PRIORITY DATE: December 31, 1906

PLACE OF USE:

SW ¼ NW ¼ 11.2 ACRES IRRIGATION
NW ¼ SW ¼ 0.3 ACRES IRRIGATION
SECTION 32
TOWNSHIP 39 SOUTH, RANGE 4 EAST, W.M.

POINTS OF DIVERSION LOCATION: NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M., NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M., SW ¼ NW ¼, Section 32, Township 39 South, Range 4 East, W.M., and NE ¼ SE ¼, Section 31, Township 39 South, Range 4 East, W.M.

SOURCE: Commingled water of Beaver Creek and South Fork Beaver Creek and 2 unnamed creeks, tributary to Jenny Creek

USE: irrigation of 94.6 acres

PERIOD OF USE: March 15 - November 15

PRIORITY DATE: December 31, 1906

PLACE OF USE:

NW ¼ SW ¼	8.0	ACRES IRRIGATION
SW ¼ SW ¼	28.0	ACRES IRRIGATION
SE ¼ SW ¼	8.0	ACRES IRRIGATION

SECTION 32
TOWNSHIP 39 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NW ¼	0.2	ACRES IRRIGATION
SE ¼ NW ¼	4.0	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	4.0	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	38.8	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	3.6	ACRES IRRIGATION

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED: Total combined quantity of water for 106.1 acres of irrigation is 2.65 cubic feet per second, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:

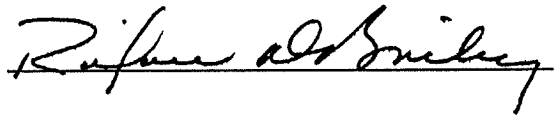
    a. Use of water, or construction of works for the application of water occurred in 1906.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **172**
Pre-1909 claim

Current Claimant(s) of Record:

Maxwell P Guiley, Sr
Guiley, Louise D
206 Sunrise Avenue
Medford OR 97504

Original Claimant(s):

Maxwell P Guiley, Sr
Guiley, Louise D

The general location of the claimed use is Section 18, Township 39 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.

3. The claim is for a total of 0.005 cubic feet per second from Johnson Creek, tributary to Jenny Creek, for livestock watering for 150 head.

4. The claimant did not specify a period of use in the claim.

5. The claimed priority date is "prior to Feb 24, 1909."

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. Livestock drink directly from the source; there is no delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: livestock drink directly from the source within SE ¼ NE ¼, Section 18, Township 39 South, Range 5 East, W.M.

   SOURCE: Johnson Creek, tributary to Jenny Creek

   USE: livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 1800 gallons per day, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: February 1, 1908

   PLACE OF USE:

   SE ¼ NE ¼
   SECTION 18
   TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

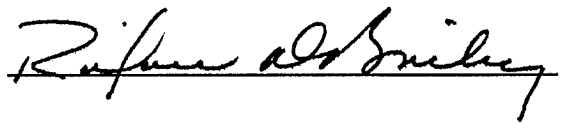
    a. Use of water, or construction of works for the application of water occurred in 1908.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **173**
Pre-1909 claim

Current Claimant(s) of Record:

Richard K Hart
812 Beach
Calexico CA 92231

Original Claimant(s):

Richard K Hart

The general location of the claimed use is Township 39 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 1.59 cubic feet per second from two points of diversion located on Cold Creek, tributary to Johnson Creek, and Johnson Creek, tributary to Jenny Creek, for irrigation of 128 acres.

4. The claim did not specify a period of use.

5. The claimed priority date is 1878.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 5, Township 39 South, Range 5 East, W.M.

   SOURCE: Johnson Creek, tributary to Jenny Creek

   USE: irrigation of 111.5 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.39 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1878

   PLACE OF USE:

SW ¼ NW ¼ 14.4 ACRES IRRIGATION
NW ¼ SW ¼ 20.3 ACRES IRRIGATION
SW ¼ SW ¼ 24.8 ACRES IRRIGATION
SECTION 8
TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

NW ¼ NW ¼ 35.2 ACRES IRRIGATION
SECTION 17
TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

NE ¼ NE ¼ 16.8 ACRES IRRIGATION
SECTION 8
TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 8, Township 39 South, Range 5 East, W.M.

SOURCE: Cold Creek, tributary to Johnson Creek

USE: irrigation of 16.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.2 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1878

PLACE OF USE:

SW ¼ NW ¼ 8.1 ACRES IRRIGATION
NW ¼ SW ¼ 8.4 ACRES IRRIGATION
SECTION 8
TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

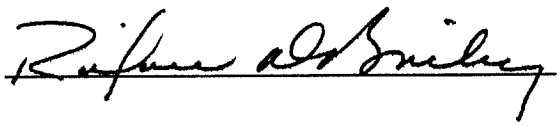
a. Use of water, or construction of works for the application of water occurred in 1878.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **174**
Pre-1909 claim

Current Claimant(s) of Record:

Kenneth J Anderson
Jerry D Anderson
29331 "A" St
Klamath Falls OR 97601

Original Claimant(s):

Merle Anderson

The general location of the claimed use is Section 19, Township 39 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 29, 1990.

3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 9.6 acres.

4. The claimed period of use is May 15 - October 15.

5. The claimed priority date is June, 1886.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

   SOURCE: Spencer Creek, tributary to Klamath River

   USE: irrigation of 9.6 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.25 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1896

   PLACE OF USE:

   SW ¼ NW ¼ 9.6 ACRES IRRIGATION
   SECTION 19
   TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred in 1896.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **175**
Pre-1909 claim

Current Claimant(s) of Record:

Larry Orville James
Georgia Lynn Siebenlist
1564 Whitman
Medford, OR 97501

Original Claimant(s):

Winifred Joy James

The general location of the claimed use is Township 39 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.

3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 9.6 acres.

4. The claimed period of use is June 1 to September 30.

5. The claimed priority date is 1896.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

   SOURCE: Spencer Creek, tributary to Klamath River

   USE: irrigation of 9.6 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.24 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1886. This is earlier than the claimed priority date.

   PLACE OF USE:

   SE ¼ NW ¼ 9.6 ACRES IRRIGATION
   SECTION 19
   TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

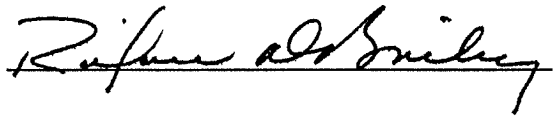
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **176**
Pre-1909 claim

Current Claimant(s) of Record:

Harold W Simmers
5925 Climax St
Klamath Falls OR 97603

Original Claimant(s):

Harold W Simmers

The general location of the claimed use is Township 39 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.

3. The claim is for a total of 0.125 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 4.0 acres.

4. The claimed period of use is June 1 to September 30.

5. The claimed priority date is 1896.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

   SOURCE: Spencer Creek, tributary to Klamath River

   USE: irrigation of 4.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.1 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1886. This is earlier than the claimed priority date.

   PLACE OF USE:

   NW ¼ SE ¼ 4.0 ACRES IRRIGATION
   SECTION 19
   TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

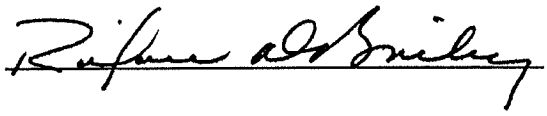
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **177**
Pre-1909 claim

Current Claimant(s) of Record:

Ruth A Anderson
825 Old Midland Rd
Klamath Falls OR 97603

Original Claimant(s):

Ruth A Anderson

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 9, 1991.

3. The claim is for a total of 35 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 195.4 acres, livestock watering for 400 head, and wildlife habitat.

4. The claimed period of use is year round.

5. The claimed priority date is December 1, 1858.

FINDINGS OF FACT

6. The Department performed a field inspection which found the irrigation and livestock uses as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

Wildlife: SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION #1 LOCATION: Government Lot 2, SE ¼ SW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 31.2 acres, livestock, and wildlife

AMOUNT ACTUALLY BENEFICIALLY USED: 0.78 cubic feet per second for irrigation, 4800 gallons per day for livestock, and 1.0 cubic foot per second for wildlife, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 1, 1858

PLACE OF USE:

LOT 7	SW ¼ NW ¼	8.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7	NW ¼ SW ¼	17.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NW ¼ SW ¼	6.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 36
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: Government Lot 4, SW ¼ NW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 164.2 acres, livestock, and wildlife

AMOUNT ACTUALLY BENEFICIALLY USED: 4.11 cubic feet per second for irrigation, 4800 gallons per day for livestock, and 2.0 cubic feet per second for wildlife, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	16.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
	NW ¼ SE ¼	30.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 3	NW ¼ SW ¼	14.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 4	SW ¼ NW ¼	8.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 6	SE ¼ NW ¼	6.1	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7	NE ¼ SW ¼	12.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 9	SE ¼ NE ¼	0.4	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 9	NE ¼ SE ¼	0.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	SE ¼ NE ¼	10.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NE ¼ SE ¼	29.9	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 13	SE ¼ NW ¼	10.5	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 14	NE ¼ SW ¼	18.4	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 7	NW ¼ SW ¼	0.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NW ¼ SW ¼	5.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 36
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

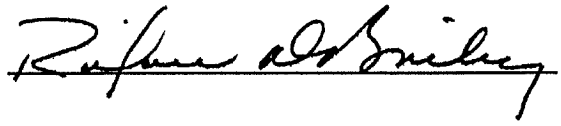
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began on December 1, 1858.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **178**
Pre-1909 claim

Current Claimant(s) of Record:

Gary Hart, President
Lost River Land & Cattle Co
2691 Lakeshore Drive
Klamath Falls, OR 97601

Original Claimant(s):

Frank W Borges
Borges, Hazel L

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 2, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 6.66 cubic feet per second for irrigation of 266.4 acres and a total of 0.0035 cubic feet per second (2250 gallons per day) for livestock use from one point of diversion located on Klamath River, tributary to Pacific Ocean.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is June 21, 1906.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

   For irrigation use: RATE: 1/40th cfs/acre DUTY: 3.5 af/acre
   SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 1, NE ¼ NE ¼, Section 34, Township 39 South, Range 8 East, W.M.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: Livestock use for 150 head of livestock

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: June 21, 1906

   PLACE OF USE:

SW ¼ NE ¼	2.6	ACRES IRRIGATION
NW ¼ SE ¼	34.7	ACRES IRRIGATION
LOT 3 SW ¼ SE ¼	36.8	ACRES IRRIGATION
LOT 4 SE ¼ SE ¼	34.9	ACRES IRRIGATION
LOT 5 SW ¼ SE ¼	2.5	ACRES IRRIGATION

SECTION 27
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼	25.0	ACRES IRRIGATION
LOT 1 NW ¼ NE ¼	5.5	ACRES IRRIGATION
LOT 2 SE ¼ NE ¼	20.5	ACRES IRRIGATION
LOT 3 NE ¼ SE ¼	1.2	ACRES IRRIGATION
LOT 4 SE ¼ SE ¼	11.2	ACRES IRRIGATION
LOT 5 NE ¼ SE ¼	23.1	ACRES IRRIGATION
LOT 6 SE ¼ NE ¼	11.5	ACRES IRRIGATION
LOT 7 SW ¼ NE ¼	29.9	ACRES IRRIGATION
LOT 8 NW ¼ NE ¼	22.9	ACRES IRRIGATION
LOT 12 NW ¼ SE ¼	3.5	ACRES IRRIGATION

SECTION 34
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 SW ¼ SW ¼	0.6	ACRES IRRIGATION

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Government Lot 1, NE ¼ NE ¼, Section 34, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: Irrigation of 266.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 6.66 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 21, 1906

PLACE OF USE:

SW ¼ NE ¼	2.6	ACRES IRRIGATION
NW ¼ SE ¼	34.7	ACRES IRRIGATION
LOT 3 SW ¼ SE ¼	36.8	ACRES IRRIGATION
LOT 4 SE ¼ SE ¼	34.9	ACRES IRRIGATION
LOT 5 SW ¼ SE ¼	2.5	ACRES IRRIGATION

SECTION 27
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼ 25.0 ACRES IRRIGATION
LOT 1 NW ¼ NE ¼ 5.5 ACRES IRRIGATION
LOT 2 SE ¼ NE ¼ 20.5 ACRES IRRIGATION
LOT 3 NE ¼ SE ¼ 1.2 ACRES IRRIGATION
LOT 4 SE ¼ SE ¼ 11.2 ACRES IRRIGATION
LOT 5 NE ¼ SE ¼ 23.1 ACRES IRRIGATION
LOT 6 SE ¼ NE ¼ 11.5 ACRES IRRIGATION
LOT 7 SW ¼ NE ¼ 29.9 ACRES IRRIGATION
LOT 8 NW ¼ NE ¼ 22.9 ACRES IRRIGATION
LOT 12 NW ¼ SE ¼ 3.5 ACRES IRRIGATION
SECTION 34
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 SW ¼ SW ¼ 0.6 ACRES IRRIGATION
SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **179**
Pre-1909 claim

Current Claimant(s) of Record:

Linda A Kenyon
11765 SW Timberline Ct
Beaverton OR 97008

Original Claimant(s):

Gloria Jeanne Daffara

The general location of the claimed use is Township 39 South, Range 8 East, W.M. Portion of the place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.

3. The claim is for a total of 38.4 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acres.

4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 0.6 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 5 SW¼ 0.6 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **180**
Pre-1909 claim

Current Claimant(s) of Record:

Brooke Anne Estenson
13027 Halwin Circle
Dallas TX 75243

Original Claimant(s):

Brooke Anne Estenson

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 3 and 4, Block 1, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 13, 1990.

3. The claim is for a total of 96 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acre.

4. The claimed period of use is April through September.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the amount claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 7, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 0.7 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 5 0.7 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

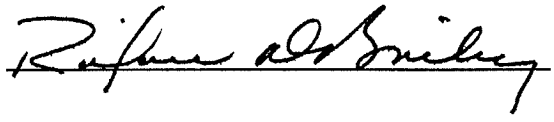
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **181**
Pre-1909 claim

Current Claimant(s) of Record:

William Boehme
Mernice Boehme
PO Box 462
Keno OR 97627

Original Claimant(s):

Gary Frazier
Frazier, Patricia

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 45-60 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of ½ acre.

4. The claimed period of use is May through October.

5. The claimed priority date is 1878.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 0.2 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1878

   PLACE OF USE:

   LOT 5 0.2 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **182**
Pre-1909 claim

Current Claimant(s) of Record:

Lewis E. Furber
2000 Miller Island Road West
Klamath Falls, OR 97603

Original Claimant(s):

Lewis E. Furber

The general location of the claimed use is Section 35 and 36, Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 35.0 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 190.5 acres, livestock watering for 400 head, and wildlife.

4. The claimed period of use is April 1 through October 31 for irrigation, winter for pre-crop irrigation, livestock and wildlife year round.

5. The claimed priority date is December 1, 1858.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

Wildlife: SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION # 1 LOCATION: Government Lot 2, SE ¼ SW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 71.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 1.78 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock and wildlife

PRIORITY DATE: December 1, 1858

PLACE OF USE:

SE ¼ SE ¼ 19.9 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10 NE ¼ SE ¼ 4.8 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ SW ¼	36.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NW ¼ SW ¼	10.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 36
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION # 2 LOCATION: SW ¼ NW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 119.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 2.98 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock and wildlife

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	NW ¼ SE ¼	7.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
	SE ¼ SE ¼	14.9	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 2	SE ¼ SW ¼	19.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 2	SW ¼ SW ¼	11.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 3	NW ¼ SW ¼	3.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7	NE ¼ SW ¼	3.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NE ¼ SE ¼	3.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	SW ¼ SE ¼	35.1	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 14	NE ¼ SW ¼	3.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 15	SE ¼ SW ¼	15.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from both points of diversion, measured at the points of diversion

AMOUNT ACTUALLY BENEFICIALLY USED FOR WILDLIFE: 3.0 cubic feet per second from both points of diversion, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:

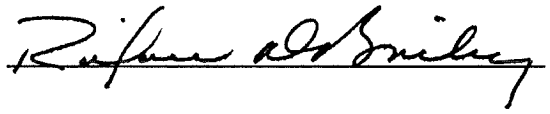
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began on December 1, 1858.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **183**
Pre-1909 claim

Current Claimant(s) of Record:

Sydney E Vidricksen
Gmirkin, Russel; Tom (Vasia) Gmirkin
5818 Maryland Ave
Klamath Falls OR 97603

Original Claimant(s):

Eva M Gmirkin

The general location of the claimed use is Section 35, Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 34.6 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 180.1 acres, livestock watering for 400 head, and wildlife.

4. The claimed period of use is April 1 through October 31 for irrigation, and all year for livestock and wildlife.

5. The claimed priority date is December 1, 1858.

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

Wildlife: SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION #1 LOCATION: Government Lot 6, SW ¼ NE ¼, Section 26, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 33.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.83 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock and wildlife

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	0.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 8	NW ¼ NE ¼	10.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 9	SE ¼ NE ¼	6.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 11	NW ¼ NE ¼	16.4	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: Government Lot 4, SW ¼ NW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 112.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 2.81 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock and wildlife

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	0.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
	NE ¼ NW ¼	40.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 4	SW ¼ NW ¼	13.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 5	NW ¼ NW ¼	17.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 6	NW ¼ NW ¼	3.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 11	NW ¼ NE ¼	9.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 12	NW ¼ NW ¼	10.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 13	SE ¼ NW ¼	18.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINTS OF DIVERSION #1 AND #2 COMMINGLED:

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 34.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.86 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock and wildlife

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	22.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	SE ¼ NE ¼	5.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 11	NW ¼ NE ¼	4.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 13	SE ¼ NW ¼	2.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from both points of diversion, measured at the points of diversion

AMOUNT ACTUALLY BENEFICIALLY USED FOR WILDLIFE: 3.0 cubic feet per second from both points of diversion, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:

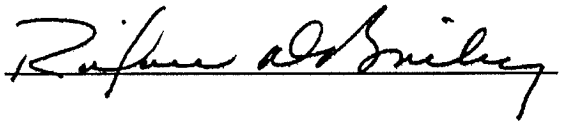
a. Based on the claimed priority date, use of water, or construction of works for the application of water began on December 1, 1858.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **184**
Pre-1909 claim

Current Claimant(s) of Record:

Sharon Pappas
70 Throckmorton
Mill Valley OR 94941

Original Claimant(s):

Esther Kerns Johnston

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 1 and 2, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 22, 1990.

3. The claim is for a total of 28.8 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 0.3 acres.

4. The claimed period of use is May through October.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 0.3 acre

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 3 0.3 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **185**
Pre-1909 claim

Current Claimant(s) of Record:

Keno Irrigation District
9350 Hwy 66
Klamath Falls OR 97601

Original Claimant(s):

Keno Irrigation District

The general location of the claimed use is Townships 39 and 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 6, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 3 acre-feet from 19 points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 3614.2 acres and incidental livestock use.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is December, 1858.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

#1 SE ¼ SW ¼, Section 27, Township 39 South, Range 8 East, W.M.
#1A SW ¼ SW ¼, Section 27, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 235.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.88 cubic feet per second, or 705.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 6	SE ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	15.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 27
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NE ¼	38.1	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ NE ¼	32.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NE ¼	5.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ NW ¼	19.3	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
LOT 17	NE ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 17	NW ¼ NW ¼	35.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: NE ¼ NW ¼, Section 34, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 272.4 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6.81 cubic feet per second, or 817.2 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	NE ¼ SE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.1	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	29.2	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ NW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK

LOT 11	SE ¼ NW ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SW ¼ NE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 16	SE ¼ NW ¼	38.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #3 LOCATION: NW ¼ NW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 436.6 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 10.92 cubic feet per second, or 1309.8 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 13	SE ¼ SE ¼	23.4	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NE ¼ SE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NW ¼ SE ¼	36.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 34
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NW ¼ NW ¼	3.1	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12	NW ¼ NW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	22.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	38.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	28.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SE ¼ NE ¼	1.1	ACRES IRRIGATION AND LIVESTOCK

LOT 2	NW ¼ NE ¼	8.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NE ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NE ¼	4.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ NE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NE ¼	30.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ NE ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ NE ¼	38.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #4 LOCATION: SE ¼ NW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 50.0 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.25 cubic feet per second, or 150.0 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	SW ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NW ¼ NW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NW ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	19.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 1	NE ¼ NE ¼	3.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #5 LOCATION: NW ¼ SE ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 218.2 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.46 cubic feet per second, or 654.6 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 2	SW ¼ NW ¼	5.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	25.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NW ¼ SW ¼	37.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼	31.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	35.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	36.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	33.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #6 LOCATION: SW ¼ SE ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 176.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.41 cubic feet per second, or 528.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 4	SW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ SW ¼	26.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SW ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	39.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #7 LOCATION: SE ¼ SW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 230.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.77 cubic feet per second, or 692.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	NE ¼ NW ¼	26.8	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	29.1	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ SW ¼	26.9	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ NW ¼	33.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK

LOT 11 SW ¼ NE ¼ 8.4 ACRES IRRIGATION AND LIVESTOCK
LOT 12 NE ¼ NE ¼ 17.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 10
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6 NW ¼ NW ¼ 1.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 11
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 19 NE ¼ NW ¼ 1.8 ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼ 26.7 ACRES IRRIGATION AND LIVESTOCK
LOT 19 SW ¼ NW ¼ 0.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #8 LOCATION: SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 32.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.82 cubic feet per second, or 98.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NW ¼ 0.9 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK
LOT 18 NE ¼ NW ¼ 3.4 ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ NW ¼ 5.6 ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼ 5.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #9 LOCATION: SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 155.7 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.89 cubic feet per second, or 467.1 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	38.9	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	8.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 1	SW ¼ NW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8	SE ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #10 LOCATION: NE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 97.0 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.43 cubic feet per second, or 291.0 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SE ¼ SE ¼ 38.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8 SE ¼ NE ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ NE ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK
LOT 19 NE ¼ NE ¼ 34.9 ACRES IRRIGATION AND LIVESTOCK
LOT 19 SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #11 LOCATION: NE ¼ NW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 510.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 12.77 cubic feet per second, or 1532.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NE ¼ 38.7 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 38.6 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 34.7 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 4
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	8.5	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SE ¼	30.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SE ¼	34.1	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NE ¼	13.7	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ NE ¼	18.1	ACRES IRRIGATION AND LIVESTOCK
LOT 19	NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #12 LOCATION: NE ¼ SW ¼, Section 9, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 51.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.28 cubic feet per second, or 153.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 1	SW ¼ SE ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	2.2	ACRES IRRIGATION AND LIVESTOCK

LOT 8	SE ¼ SW ¼	6.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SE ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ NE ¼	3.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NE ¼ NW ¼	13.5	ACRES IRRIGATION AND LIVESTOCK
LOT 19	NW ¼ NE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #13 LOCATION: NE ¼ NE ¼, Section 8, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 123.7 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.09 cubic feet per second, or 371.1 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SW ¼ SW ¼	13.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 17	SE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13	NE ¼ NE ¼	5.8	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NE ¼ NE ¼	1.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NW ¼	23.9	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ NW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	6.8	ACRES IRRIGATION AND LIVESTOCK
LOT 13	NW ¼ NW ¼	30.6	ACRES IRRIGATION AND LIVESTOCK
LOT 13	SW ¼ NW ¼	3.7	ACRES IRRIGATION AND LIVESTOCK
LOT 13	SE ¼ NW ¼	14.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #14 LOCATION: NE ¼ NE ¼, Section 8, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 298.4 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 7.46 cubic feet per second, or 895.2 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	SW ¼ NE ¼	8.1	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	7.2	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	28.5	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	32.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	2.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	14.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	3.7	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	17.8	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	27.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	28.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW ¼ NW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SE ¼ NW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ SW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	3.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SE ¼	11.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SE ¼	7.6	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ SE ¼	18.0	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SE ¼ NE ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SE ¼ NE ¼	27.2	ACRES IRRIGATION AND LIVESTOCK
LOT 16	NE ¼ SE ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 17	SE ¼ SE ¼	19.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13	NE ¼ NE ¼	4.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #15 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 89.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.25 cubic feet per second, or 269.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	SE ¼ SW ¼	2.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SW ¼	3.8	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ SE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK

LOT 5 SW ¼ SE ¼ 31.7 ACRES IRRIGATION AND LIVESTOCK
LOT 6 NW ¼ SE ¼ 27.9 ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ NE ¼ 13.1 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13 NW ¼ NE ¼ 2.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #16 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 498.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 12.47 cubic feet per second, or 1496.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 7 NE ¼ SE ¼ 0.6 ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 9 SW ¼ SE ¼ 10.9 ACRES IRRIGATION AND LIVESTOCK
LOT 12 NE ¼ SE ¼ 2.1 ACRES IRRIGATION AND LIVESTOCK
LOT 13 SE ¼ SE ¼ 14.7 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼ 35.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 24.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	30.7	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	32.8	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	6.6	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NE ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	15.0	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ NE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ NE ¼	8.5	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NE ¼ NE ¼	19.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #17 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 498.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second, or 46.5 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 7	SE ¼ NW ¼	1.3	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NW ¼	14.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #18 LOCATION: NE ¼ NW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 124.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.12 cubic feet per second, or 374.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

	NE ¼ SW ¼	2.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ SW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ SE ¼	14.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SE ¼ SE ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NW ¼ SE ¼	32.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NE ¼ SE ¼	31.7	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ SE ¼	5.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SE ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SE ¼	12.5	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ SW ¼	4.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12	NE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 4 NW ¼ SW ¼ 11.7 ACRES IRRIGATION AND LIVESTOCK
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 8 NE ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

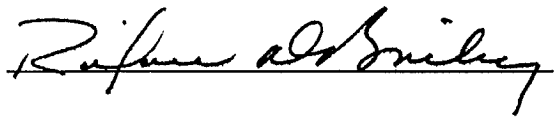
a. Use of water, or construction of works for the application of water occurred prior in December, 1858.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **186**
Pre-1909 claim

Current Claimant(s) of Record:

Oregon Department of Fish and Wildlife
2501 SW First Ave
Portland OR 97208

Original Claimant(s):

Oregon Department of Fish and Wildlife

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 3, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 26 cubic feet per second from eight points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation, incidental stockwater and wildlife habitat.

4. The claimed period of use is April 1 through October 31 for irrigation and year-round for wildlife habitat.

5. The claimed priority date is December 31, 1900.

FINDINGS OF FACT

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.

7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

8. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **187**
Pre-1909 claim

Current Claimant(s) of Record:

Renold R Passien
Passien, Elsie E
8910 Hwy 66
Klamath Falls OR 97601

Original Claimant(s):

Renold R Passien
Passien, Elsie E

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 12, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.

3. The claim is for a total of 0.15 cubic feet per second from one point of diversion located on an unnamed Spring, tributary to Klamath River, for irrigation and domestic use for one house.

4. The claimed period of use is April 1 through October 31 for irrigation.

5. The claimed priority date is 1901.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For domestic:
RATE: 0.01 cfs/home SEASON: January 1 - December 31

For irrigation use:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 27, Township 39 South, Range 8 East, W.M.

SOURCE: unnamed Spring, tributary to Klamath River

USE: irrigation of 11.7 acres and domestic use for one house

AMOUNT ACTUALLY BENEFICIALLY USED: 0.14 cubic feet per second for irrigation and 0.01 cubic feet per second for domestic, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation and January 1 - December 31 for domestic

PRIORITY DATE: December 31, 1901

PLACE OF USE:

SW ¼ SE ¼ 5.7 ACRES IRRIGATION
SECTION 22
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NE ¼ 6.0 ACRES IRRIGATION AND DOMESTIC
SECTION 27
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

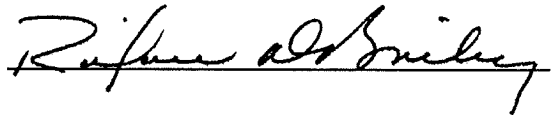
    a. Use of water, or construction of works for the application of water occurred during 1901.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **188**
Pre-1909 claim

Current Claimant(s) of Record:

John W Powell
Barbara J Powell
PO Box 16
Keno OR 97627

Original Claimant(s):

John W Powell
Barbara J Powell

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 15, 1990.

3. The claim is for a total of 0.132 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.3 acres.

4. The claimed period of use is May 1 through October.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 0.9 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 5 0.9 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

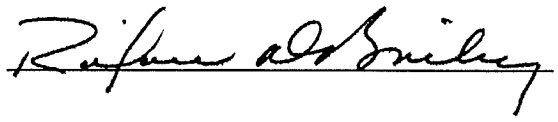
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **189**
Pre-1909 claim

Current Claimant(s) of Record:

Jessie L Puckett
2815 Taylor
Eugene OR 97405

Original Claimant(s):

Jessie L Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 3 and 4, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 15, 1990.

3. The claim is for a total of 50 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 0.7 acres.

4. The claimed period of use is May 1 through September.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

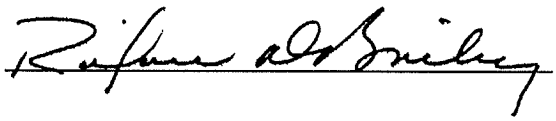
   a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **190**
Pre-1909 claim

Current Claimant(s) of Record:

Leona Bell Puckett
PO Box 1974
Klamath Falls OR 97601

Original Claimant(s):

Leona Bell Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lot 5, Block 1; Lot 8, Lot 9 and a portion of Lot 7, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 17, 1990.

3. The claim is for a total of 96 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.6 acres.

4. The claimed period of use is May through October, sometimes in April.

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the amount claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 7, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 1.6 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.04 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 2 1.6 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

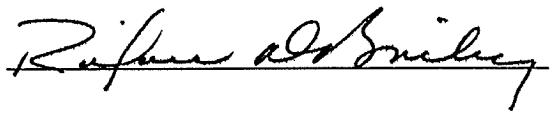
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **191**
Pre-1909 claim

Current Claimant(s) of Record:

Richard Edward Puckett
PO Box 1974
Klamath Falls OR 97601

Original Claimant(s):

Richard Edward Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 5, 6, and a portion of Lot 7, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 17, 1990.

3. The claim is for a total of 72 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.3 acres.

4. The claimed period of use is May through October .

5. The claimed priority date is 1873.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 0.09 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 6, Block 2, Riverside Addition.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 1.3 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1873

   PLACE OF USE:

   LOT 2 1.3 ACRES IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **192**
Pre-1909 claim

Current Claimant(s) of Record:

Donald Wagner
Wagner, Betty
PO Box 34
Keno OR 97627

Original Claimant(s):

Donald Wagner
Wagner, Betty

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.

3. The claim is for a total of 4000 gallons per hour from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acre.

4. The claimed period of use is June 1 through September 30.

5. The claimed priority date is October 26, 1872.

6. A private engineer or surveyor performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 1.0 acre

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: June 1 - September 30

   PRIORITY DATE: October 26, 1872

   PLACE OF USE:

   LOT 2 1.0 ACRE IRRIGATION
   SECTION 31
   TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **193**
Pre-1909 claim

Current Claimant(s) of Record:

Collins Products, LLC
PO Box 16
Klamath Falls OR 97601

Allan Moates
7100 Hwy 97 S
Klamath Falls OR 97601

Harold & Maria Moates; Trustees
Pentail Company
PO Box 117
Carson City NV 98702

Original Claimant(s):

Richard S Baldwin

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 3 cubic feet per second from one point of diversion located on "Klamath River and Lost River Sloughs," tributary to Pacific Ocean, for irrigation of 49.5 acres.

4. The claimant described the period of use as "Depending on weather, Autumn, Winter and Spring floodings, October to March; and for irrigation and drainage, April to October."

5. The claimed priority date is October 6, 1875.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   It appears that the claimed use occurs year-round due to natural sub-irrigation which occurs in additional to the artificial diversion.

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 18, Township 39 South, Range 9 East, W.M.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 49.5 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.24 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: January 1 - December 1

   PRIORITY DATE: October 6, 1875

PLACE OF USE:

	SE ¼ SE ¼	2.1	ACRES IRRIGATION
LOT 11	SE ¼ SE ¼	10.0	ACRES IRRIGATION

SECTION 18
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

	NE ¼ NE ¼	0.7	ACRES IRRIGATION
	NW ¼ NE ¼	0.6	ACRES IRRIGATION
LOT 1	SE ¼ NE ¼	5.7	ACRES IRRIGATION
LOT 2	NE ¼ SE ¼	4.5	ACRES IRRIGATION
LOT 6	SE ¼ SE ¼	13.1	ACRES IRRIGATION
LOT 7	NE ¼ NE ¼	10.6	ACRES IRRIGATION
LOT 8	NW ¼ NE ¼	2.2	ACRES IRRIGATION

SECTION 19
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **194**
Pre-1909 claim

Current Claimant(s) of Record:

Gary Griffith
Marjorie Divine
Victor Divine
857 Griffith Lane
Klamath Falls OR 97603-9369

David Griffith
Nora Griffith
PO Box 7579
Klamath Falls, OR 97602

Original Claimant(s):

David Griffith
Gary Griffith
Marjorie Divine
Victor Divine

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 3.57 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 142.6 acres.

4. The claimed period of use is March through October.

5. The claimed priority date is 1867.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use.

7. The delivery system has the capacity to deliver 1.36 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 17, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 142.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.36 cubic feet per second, measured at the point of diversion. This is less than the claimed amount; based on system capacity.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE:

NE ¼ SE ¼	3.3	ACRES IRRIGATION
SE ¼ SE ¼	6.2	ACRES IRRIGATION
LOT 6 NE ¼ SE ¼	0.2	ACRES IRRIGATION
LOT 7 SE ¼ SE ¼	8.2	ACRES IRRIGATION
LOT 8 SE ¼ SE ¼	21.1	ACRES IRRIGATION
LOT 9 NE ¼ SE ¼	6.1	ACRES IRRIGATION

SECTION 8
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 1.1 ACRES IRRIGATION
NW ¼ NE ¼ 3.1 ACRES IRRIGATION
NE ¼ NW ¼ 0.4 ACRES IRRIGATION
SE ¼ NW ¼ 6.3 ACRES IRRIGATION
LOT 2 6.0 ACRES IRRIGATION
LOT 3 14.2 ACRES IRRIGATION
LOT 7 12.7 ACRES IRRIGATION
LOT 8 28.5 ACRES IRRIGATION
LOT 9 NE ¼ NE ¼ 25.2 ACRES IRRIGATION
SECTION 17
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

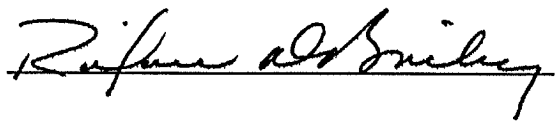
a. Use of water, or construction of works for the application of water occurred on May 19, 1905.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **195**
Pre-1909 claim

Current Claimant(s) of Record:

Ted T Martin
Martin, Velma B
4443 Austin St.
Klamath Falls OR 97603

Original Claimant(s):

Ted T Martin
Martin, Velma B

The general location of the claimed use is Section 10, Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.

3. The claim is for a total of 0.04 cubic feet per second from one point of diversion located on Klamath Lake via Klamath Irrigation District, tributary to Klamath River, for irrigation of one and one-third acres.

4. The claimed period of use is April 15 - October 15.

5. The claimed priority date is 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 8, SW ¼ NE ¼, Section 10, Township 38 South, Range 9 East, W.M.

   SOURCE: Upper Klamath Lake, tributary to Link River

   USE: irrigation of 1.3 acres.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: April 15 - October 15

   PRIORITY DATE: November 4, 1905

   PLACE OF USE:

   SE ¼ SW ¼ 1.3 ACRES IRRIGATION
   SECTION 10
   TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

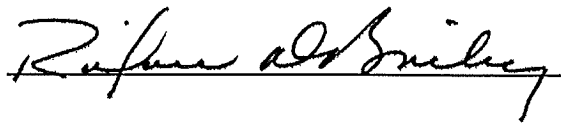
    a. Use of water, or construction of works for the application of water occurred on November 4, 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **196**
Pre-1909 claim

Current Claimant(s) of Record:

Katina Avgeris
c/o Steve Avgeris
1700 Colestein Rd
Ashland OR 97520

Original Claimant(s):

Katina Avgeris
c/o Steve Avgeris

The general location of the claimed use is Township 40 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 25, 1991.

3. The claim is for a total of 0.86 cubic feet per second from three points of diversion located on Cottonwood Creek and two springs, tributary to Klamath River, for irrigation of 15.8 acres, domestic use and manufacturing.

4. The claimed period of use is April 1 through November 1 for irrigation and January 1 through December 31 for domestic use and manufacturing.

5. The claimed priority date is August 31, 1882.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use to be a total of 0.09 cubic feet per second from Cottonwood Creek and Spring #2 for irrigation of 7.0 acres and a total of 0.02 cubic feet per second from Spring #1 for domestic use. The manufacturing portion of the original claim is no longer being claimed due to approximately 30 years of non-use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS:
   Cottonwood Creek - NW ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.
   Spring #2 - NE ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.

   SOURCE: Cottonwood Creek and Spring #2, tributary to Klamath River

   USE: irrigation of 7.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.09 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: August 31, 1882

PLACE OF USE:

NE ¼ NW ¼ 5.7 ACRES IRRIGATION
SE ¼ NW ¼ 1.3 ACRES IRRIGATION
SECTION 36
TOWNSHIP 40 SOUTH, RANGE 1 EAST, W.M.

POINT OF DIVERSION LOCATION: Spring #1 - NW ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.

SOURCE: Spring #1, tributary to Klamath River

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: August 31, 1882

PLACE OF USE:

NE ¼ NW ¼ DOMESTIC USE
SECTION 36
TOWNSHIP 40 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

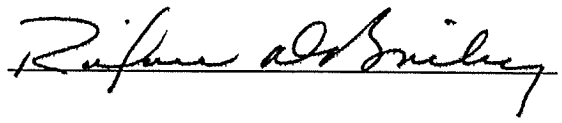
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **197**
Pre-1909 claim

Current Claimant(s) of Record:

Benjamin Stott
155 Strawberry Lane
Ashland OR 97520

Original Claimant(s):

Richard Pope
Richinli Company Inc.

The general location of the claimed use is Section 31, Township 40 South, Range 2 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 22, 1990.

3. The claim is for a total of 0.66 cubic feet per second from one point of diversion located on Middle Fork Cottonwood Creek, tributary to East Fork Cottonwood Creek, for irrigation of 26.3 acres.

4. The claimed period of use is May through October.

5. The claimed priority date is 1854.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 31, Township 40 South, Range 2 East, W.M.

   SOURCE: Middle Fork Cottonwood Creek, tributary to East Fork Cottonwood Creek

   USE: irrigation of 26.3 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.66 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1854

   PLACE OF USE:

	SW ¼ NW ¼	5.0	ACRES IRRIGATION
	NW ¼ SW ¼	12.8	ACRES IRRIGATION
	SW ¼ SW ¼	0.4	ACRES IRRIGATION
LOT 6	SE ¼ NW ¼	1.2	ACRES IRRIGATION
LOT 7	NE ¼ SW ¼	6.1	ACRES IRRIGATION
LOT 8	SE ¼ SW ¼	0.8	ACRES IRRIGATION

SECTION 31
TOWNSHIP 40 SOUTH, RANGE 2 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred in 1854.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **198**
Pre-1909 claim

Current Claimant(s) of Record:

John M Mosby
Mosby, Marilyn
526 Mercury
Lompoc CA 93436

Original Claimant(s):

John M Mosby
Mosby, Marilyn

The general location of the claimed use is Township 40 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 3.98 cubic feet per second from two points of diversion located on Jenny Creek, tributary to Klamath River, for irrigation of 220.0 acres and incidental livestock watering.

4. The claimed period of use is April - October.

5. The claimed priority date is October 27, 1923.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION #1 LOCATION: NE ¼ SW ¼, Section 16, Township 40 South, Range 4 East, W.M.

SOURCE: Jenny Creek, tributary to Klamath River

USE: irrigation of 140.0 acres

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1890

PLACE OF USE:

NE ¼ NW ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 17.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 14.3 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 10.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 23.3 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 21.9 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 27.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 7.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NE ¼ SE ¼ 3.4 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 13.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 28
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: SE ¼ SE ¼, Section 16, Township 40 South, Range 4 East, W.M.

SOURCE: Jenny Creek, tributary to Klamath River

USE: irrigation of 69.0 acres

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1890

PLACE OF USE:

SE ¼ SE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK
SECTION 21
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 4.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 17.7 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 12.7 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 10.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.98 cubic feet per second, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:

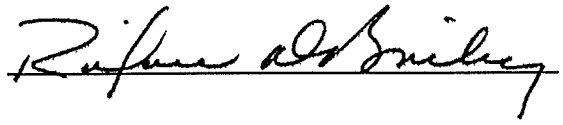
a. Use of water, or construction of works for the application of water occurred in 1890.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **199**
Pre-1909 claim

Current Claimant(s) of Record:

Cecilia Taylor
Taylor, Richard
P.O. Box 637
Ashland OR 97520

Original Claimant(s):

Cecilia Taylor
Taylor, Richard

The general location of the claimed use is Township 40 & 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 11, 1990.

3. The claim is for a total of 7.5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Jenny Creek, for irrigation, stock, and domestic.

4. The claimed period of use is April through October.

5. The claimed priority date is December 20, 1887.

FINDINGS OF FACT

6. Claim was amended, to 7.5 cubic feet per second for the irrigation of 171.1 acres, on January 24, 1991. The stock and domestic uses were withdrawn.

6. A private engineer or surveyor performed a field inspection which found the use as claimed. The Department performed a field inspection which did not support the claim.

7. The delivery system has the capacity to deliver the amount of water claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ SE ¼, Section 34, Township 40 South, Range 4 East, W.M.

   SOURCE: Spring Creek, tributary to Jenny Creek

   USE: irrigation of 143.4 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 3.59 cubic feet per second, measured at the point of diversion. This is less than the quantity of water claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 20, 1887

   PLACE OF USE:

NE ¼ SE ¼	7.2	ACRES IRRIGATION
NW ¼ SE ¼	8.2	ACRES IRRIGATION
SW ¼ SE ¼	4.6	ACRES IRRIGATION
SE ¼ SE ¼	23.7	ACRES IRRIGATION

SECTION 33
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

SW ¼ SW ¼ 8.0 ACRES IRRIGATION
SECTION 34
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NW ¼ 3.1 ACRES IRRIGATION
SE ¼ NW ¼ 1.1 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 2.5 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 19.1 ACRES IRRIGATION
SECTION 3
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NE ¼ 19.0 ACRES IRRIGATION
SE ¼ NE ¼ 9.7 ACRES IRRIGATION
LOT 1 NE ¼ NE ¼ 32.2 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 5.0 ACRES IRRIGATION
SECTION 4
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred on or before December 20, 1887.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **200**
Pre-1909 claim

Current Claimant(s) of Record:

Kathleen D Walt
Jennifer J Walt
650 California St., 20th Floor
San Francisco CA 94108-2693

Original Claimant(s):

Jennifer J Walt
Harold R & Kathleen D Walt

The general location of the claimed use is Section 17, Township 40 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.

3. The claim is for a total of 1.3 cubic feet per second from two points of diversion located on Keene Creek, Jenny Creek, and several unnamed tributaries, tributary to Jenny Creek, for irrigation of 104 acres, domestic use, and livestock.

4. The claimed period of use is April 1 - October 31.

5. The claimed priority date is 1902.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Use of water, or construction of works for the application of water occurred circa 1900.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **201**
Pre-1909 claim

Current Claimant(s) of Record:

Richard W Berg
Box 54
Keno OR 97627

Original Claimant(s):

Richard W Berg

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 0.89 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 30.92 acres and livestock.

4. The claimed period of use is April 1 through October 31 for irrigation and year round for livestock use.

5. The claimed priority date is March 30, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection relating to water use permit 31991 which found a portion of the irrigation use as claimed.

7. In a letter dated January 10, 1999, the claimant states that he has not had livestock since 1992.

8. The delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: Government Lot 9, Section 6, Township 40 South, Range 8 East, W.M.

    SOURCE: Klamath River, tributary to Pacific Ocean

    USE: irrigation of 21.0 acres. This is a smaller area than what was claimed.

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: March 30, 1905

    PLACE OF USE:

    LOT 9 21.0 ACRES IRRIGATION
    SECTION 6
    TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **202**
Pre-1909 claim

Current Claimant(s) of Record:

Bernard L Simonsen
Rocking AC Ranch
11695 Kern Swamp Rd
Klamath Falls OR 97601

Original Claimant(s):

A. L. Bruner

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.

3. The claim is for diversions located on Klamath River, tributary to Pacific Ocean, for irrigation of 1,149.8 acres and stock water for 1500 head.

4. The claimed period of use is March 1 through January 15.

5. The claimed priority date is prior to 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 2, SE ¼ NW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 46.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.16 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ NW ¼	19.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 149.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.75 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ SW ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	39.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 4, SE ¼ SW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 190.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.75 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SW ¼ SW ¼	26.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 17 NE ¼ NE ¼	17.8	ACRES IRRIGATION AND LIVESTOCK
LOT 11 NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11 SW ¼ NE ¼	8.4	ACRES IRRIGATION AND LIVESTOCK

NE ¼ NW ¼	26.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	33.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ SW ¼	26.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6 NW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 11
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 1, SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 33.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.84 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NW ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NE ¼ NW ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NE ¼ NW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ NW ¼	5.6	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼	5.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
LOT 18 SW ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 1, SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 222.8 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.3 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	38.9	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ NW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 19 NE ¼ NW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼	26.7	ACRES IRRIGATION AND LIVESTOCK
LOT 19 SW ¼ NW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8 SE ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 7, NE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 97.0 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.43 cubic feet per second,

measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SE ¼ SE ¼ 38.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NE ¼ NE ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK
LOT 17 NE ¼ NE ¼ 34.9 ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ NE ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK
LOT 17 SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 410.7 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6.3 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NE ¼ 38.2 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 12 SE ¼ NW ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 11 NE ¼ SW ¼ 3.0 ACRES IRRIGATION AND LIVESTOCK

LOT 3 NE ¼ SW ¼	24.6	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SW ¼	2.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SW ¼	6.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NW ¼ SE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10 NW ¼ SE ¼	34.7	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ SE ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
LOT 9 SW ¼ SE ¼	33.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NW ¼ NE ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 17 NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	13.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10 NE ¼ NW ¼	13.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 18,000 gallons per day for 1500 head.

PERIOD OF USE FOR LIVESTOCK: January 1 - December 31

9. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to 1905.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

10. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **203**
Pre-1909 claim

Current Claimant(s) of Record:

Barney Calmes
Daisy Calmes
c/o William M Ganong
514 Walnut Avenue
Klamath Falls OR 97601

Original Claimant(s):

Barney Calmes
Daisy Calmes

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet per acre from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 112.0 acres and stock water for 300 head of livestock. No additional water is diverted for livestock use.

4. The claimed period of use is April 1 through November 15 for irrigation and Year-Round for livestock use.

5. The claimed priority date is October 28, 1897.

FINDINGS OF FACT

6. The Department performed a field inspection which did support the claim.

7. The claimant stated that the field inspection report prepared by the Department was accurate, and consequently, referred to the Department field inspection report for the description of the irrigation system and detailed listing of lands irrigated under this claim. The field inspection report contained a detailed listing totaling 102.6 acres of irrigation, which is less than the total of 112.0 acres found in the claim form.

8. For point of diversion #1, the delivery system has the capacity to deliver the claimed amount. However, for point of diversion #2, the delivery system has the capacity to deliver 1.63 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre

SEASON: Irrigation: March 1 - October 31
Livestock: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Point of Diversion #1- Government Lot 13, SE ¼ NW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 30.1 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.75 cubic feet per second, measured at the point of diversion, for irrigation of 30.1 acres and livestock use. This is less than the amount claimed. No additional water is diverted for livestock use.

PERIOD OF USE: March 1 - October 31 for irrigation of 30.1 acres
January 1 - December 31 for livestock use

PRIORITY DATE: October 28, 1897

PLACE OF USE:

LOT 12 SW ¼ NW ¼ 1.7 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 3 NE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ NE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 17
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

PRIORITY DATE: December 31, 1908

PLACE OF USE:

NW ¼ NE ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 8.4 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 2.2 ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¼ NE ¼ 1.9 ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ NE ¼ 11.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 17
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Point of Diversion #2- Government Lot 14, NE ¼ SW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 72.5 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.63 cubic feet per second, measured at the point of diversion, for irrigation of 72.5 acres and livestock use. This is less than the amount claimed. No additional water is diverted for livestock use.

PERIOD OF USE: March 1 - October 31 for irrigation of 72.5 acres
January 1 - December 31 for livestock use

PRIORITY DATE: December 31, 1908

PLACE OF USE:

NW ¼SW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	11.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NE ¼ SW ¼	14.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SW ¼	14.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼NW ¼	7.5	ACRES IRRIGATION AND LIVESTOCK
LOT 13 SE ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 14 NE ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 2 SE ¼ NE ¼	0.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **204**
Pre-1909 claim

Current Claimant(s) of Record:

John Evensizer
Barbara Evensizer
707 S 5th St
Klamath Falls OR 97601

Original Claimant(s):

John Evensizer
Barbara Evensizer

The general location of the claimed use is Township 39 South, Range 8 East and Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 24, 1990.

3. The claim is for a total of 0.15 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 3.6 acres.

4. The claimed period of use is May, June, July, and August.

5. The claimed priority date is 1901.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 8, NE ¼ NW ¼, Section 5, Township 40 South, Range 8 East, W.M.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: irrigation of 3.6 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.09 cubic feet per second, measured at the point of diversion. This is a smaller amount than claimed.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1901

   PLACE OF USE:

LOT 11 SW ¼ SW ¼	0.2	ACRES IRRIGATION
SECTION 32		
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.		
LOT 8 NE ¼ NW ¼	1.7	ACRES IRRIGATION
LOT 9 NW ¼ NW ¼	1.7	ACRES IRRIGATION
SECTION 5		
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.		

10. For the required Pre-1909 elements the Department finds:

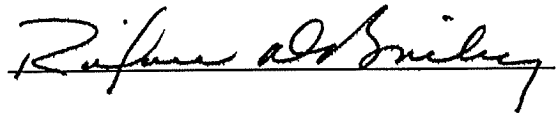
a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1901.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **205**
Pre-1909 claim

Current Claimant(s) of Record:

Robert Flowers
Martin Scull
Flowers Bros Inc
18110 Keno-Worden Rd.
Klamath Falls OR 97603

Sandy Tucker
Karen Tucker
2142 Scenic Ridge Dr.
Chino Hills, CA 91709

Original Claimant(s):

Robert Flowers
Flowers Bros. Inc.
Martin Scull

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for 1/40 of a cubic feet per second for each acre from five points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 550 acres.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is December 1, 1858.

FINDINGS OF FACT

6. The Department performed a field inspection which found the claimed use.

7. A private engineer or surveyor performed a field inspection which identified and clarified the location of 2 points of diversion relating to the claim.

8. Tabulation of irrigated lands provided by claimant indicated that the total number of acres irrigated was 557.7 rather than the 550 acres listed on the claim form.

9. The delivery system has the capacity to deliver the claimed amount.

10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

11. The claimant provided information regarding the irrigation practice used to beneficially irrigate the lands. The practice includes flooding the fields in the fall and winter, draining the fields in the spring, and sprinkle irrigation during the summer.

12. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 4, NE ¼ NW ¼, Section 23, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 26.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.67 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: August 31, 1869

PLACE OF USE:

LOT 4 NE ¼ NW ¼	15.2	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	0.6	ACRES IRRIGATION
LOT 5 SE ¼ NW ¼	11.1	ACRES IRRIGATION

SECTION 23
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 4, SW ¼ SW ¼, Section 15, Township 40 South, Range 8 East, W.M., SE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M., SW ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M., SW ¼ SW ¼, Section 16, Township 40 South, Range 8 East, W.M., NE ¼ NW ¼, Section 22, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 530.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 13.27 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 1, 1858

PLACE OF USE:

LOT 4 SW ¼ SW ¼	14.2	ACRES IRRIGATION
LOT 5 SE ¼ SW ¼	4.4	ACRES IRRIGATION
LOT 6 SE ¼ SE ¼	5.1	ACRES IRRIGATION
LOT 7 SE ¼ SE ¼	1.0	ACRES IRRIGATION

SECTION 15
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SE ¼	2.5	ACRES IRRIGATION
SE ¼ SE ¼	0.7	ACRES IRRIGATION
LOT 5 SW ¼ SE ¼	15.3	ACRES IRRIGATION
LOT 6 SE ¼ SE ¼	9.8	ACRES IRRIGATION

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION
LOT 2 SE ¼ NE ¼	1.8	ACRES IRRIGATION

LOT 3 SE ¼ NE ¼ 8.0 ACRES IRRIGATION
LOT 4 NW ¼ NE ¼ 17.6 ACRES IRRIGATION

SECTION 21
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 12.4 ACRES IRRIGATION
NW ¼ NE ¼ 37.9 ACRES IRRIGATION
NE ¼ NW ¼ 38.5 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 3.6 ACRES IRRIGATION
LOT 1 SW ¼ NW ¼ 0.4 ACRES IRRIGATION
LOT 3 SE ¼ NE ¼ 0.1 ACRES IRRIGATION
LOT 3 NW ¼ SE ¼ 1.8 ACRES IRRIGATION
LOT 5 SE ¼ NE ¼ 11.2 ACRES IRRIGATION
LOT 6 SW ¼ NE ¼ 36.8 ACRES IRRIGATION
LOT 7 NW ¼ SE ¼ 25.1 ACRES IRRIGATION
LOT 8 NE ¼ SW ¼ 12.5 ACRES IRRIGATION
LOT 9 SW ¼ NW ¼ 30.0 ACRES IRRIGATION
LOT 10 SE ¼ NE ¼ 15.1 ACRES IRRIGATION
LOT 10 NE ¼ SE ¼ 12.7 ACRES IRRIGATION
LOT 11 SE ¼ SE ¼ 1.3 ACRES IRRIGATION

SECTION 22
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SE ¼ SW ¼ 0.3 ACRES IRRIGATION
LOT 6 NE ¼ SW ¼ 8.7 ACRES IRRIGATION
LOT 7 NW ¼ SW ¼ 38.0 ACRES IRRIGATION
LOT 8 SW ¼ NW ¼ 3.3 ACRES IRRIGATION
LOT 9 SW ¼ SW ¼ 33.5 ACRES IRRIGATION

SECTION 23
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 3 NW ¼ NW ¼ 7.2 ACRES IRRIGATION

SECTION 26
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

13. For the required Pre-1909 elements the Department finds:

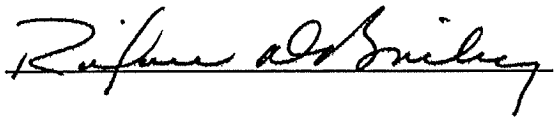
a. Use of water, or construction of works for the application of water occurred August 31, 1868.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

14. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 12 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **206**
Pre-1909 claim

Current Claimant(s) of Record:

Larry E Peacore
Carolyn F Peacore
PO Box 1079
Keno OR 97627

Original Claimant(s):

Lloyd V. Howard

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 9, 1990.

3. The claim is for a total of 3.9 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for livestock of 154.0 acres and livestock use for 150 head.

4. The claimed period of use is May 1 through October 31.

5. The claimed priority date is August 26, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 9 NE ¼ NW ¼, Section 8, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 154.0 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 3.85 cubic feet per second for irrigation and 1800 gallons per day for 150 head of livestock, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: August 26, 1905

PLACE OF USE:

SW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
LOT 13 13.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 5 21.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 7
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼ 39.7 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 39.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **207**
Pre-1909 claim

Current Claimant(s) of Record:

Kite Ranches Inc.
PO Box 175
Keno OR 97627

Original Claimant(s):

Kite Ranches Inc.

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for 3 acre feet per acre from six points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 771.6 acres and stock water.

4. The claimed period of use is April 15 through November 15.

5. The claimed priority date is October 28, 1897.

FINDINGS OF FACT

6. The Department performed a field inspection which limits this claim.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINTS OF DIVERSION LOCATIONS: Lot 6, NE ¼ SE ¼, Section 6, Township 40 South, Range 8 East, W.M., Lot 11, SE ¼ NE ¼, Section 6, Township 40 South, Range 8 East, W.M., Lot 12, NE ¼ SW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Commingled water of the Klamath River, tributary to Pacific Ocean

USE: irrigation of 206.8 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: a total of 5.17 cubic feet per second, from the 3 points of diversion, for irrigation and incidental livestock use, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31 for irrigation and incidental livestock watering.

PRIORITY DATE: October 28, 1897

PLACE OF USE:

	NW ¼ SW ¼	31.9	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 12	NE ¼ SW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	SE ¼ NE¼	3.1	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SE ¼	16.3	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NE ¼ SE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SE ¼ SE ¼	14.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 6
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6	NW ¼ NE ¼	11.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NE ¼	33.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 6
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINTS OF DIVERSION LOCATIONS: Lot 6, SE ¼ NE ¼, Section 8, Township 40 South, Range 8 East, W.M., Lot 7, SE ¼ SW ¼, Section 9, Township 40 South, Range 8 East, W.M., Lot 13, SW ¼ NE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Commingled water of the Klamath River, tributary to Pacific Ocean

USE: irrigation of 441.2 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: a total of 11.03 cubic feet per second, from the 3 points of diversion, for irrigation and incidental livestock use, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31 for irrigation and incidental livestock watering.

PRIORITY DATE: October 28, 1897

PLACE OF USE:

	NE ¼ NE ¼	1.3	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ SW ¼	25.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ SE ¼	8.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ SE ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SE ¼ NE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK

LOT 7	NE ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NE ¼	18.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SE ¼ SW ¼	14.5	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ SE ¼	31.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	32.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ SW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	19.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SW ¼	5.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 11	NW ¼ NW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	6.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NE ¼	20.1	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	21.7	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SE ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NE ¼	24.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 17
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

9. The 71.2 acres in section 5 and the 52.2 acres in sections 9 & 16, covered by dredging spoils, were not found to be beneficially used.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to October 28, 1897.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **208**
Pre-1909 claim

Current Claimant(s) of Record:

T Keith Pocock
14390 Keno-Worden Rd
Klamath Falls OR 97601

Original Claimant(s):

T Keith Pocock

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for an unspecified amount of water from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 149.4 acres.

4. The claimed period of use is May 1 through September 30.

5. The claimed priority date is prior to 1909.

FINDINGS OF FACT

6. The claimant failed to provide the rate of water claimed. In addition, the claimant did not clearly identify the place of use.

7. For the required Pre-1909 elements the Department finds:

   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

8. The claimant failed to provide the rate of water claimed. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **209**
Pre-1909 claim

Current Claimant(s) of Record:

T Keith Pocock
14390 Keno-Worden Rd
Klamath Falls OR 97601

Original Claimant(s):

T Keith Pocock

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.

3. The claim is for an unspecified amount of water from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 4.6 acres.

4. The claimed period of use is May 1 through September 30.

5. The claimed priority date is prior to 1901.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **210**
Pre-1909 claim

Current Claimant(s) of Record:

Tule Smoke Inc.
PO Box 1708
Klamath Falls OR 97601

Original Claimant(s):

Tule Smoke Inc.

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3.0 acre-feet per acre from natural overflow and flooding from the Klamath River, tributary to Pacific Ocean, for wildlife.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is "time in memoriam".

FINDINGS OF FACT

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.

7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

8. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **211**
Pre-1909 claim

Current Claimant(s) of Record:

Daniel W O'Brien
Katherine F Clyde
1720 Lexington Place
Wenatchee WA 98801

Original Claimant(s):

Daniel W O'Brien
Katherine F Clyde

The general location of the claimed use is Section 18, Township 40 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 25, 1991.

3. The claim is for a total of 135.1 acre-feet per year from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 38.6 acres.

4. The claimed period of use is April 1 to November 1.

5. The claimed priority date is June 17, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use substantially as claimed. However, the area irrigated was found to be 35.5 acres, less than the number of acres claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. It appears that the claim is based upon a notice made by the United States Bureau of Reclamation on May 17, 1905.

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: Government Lot 8, SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

    SOURCE: Upper Klamath Lake, tributary to Klamath River

    USE: irrigation of 35.5 acres

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.89 cubic feet per second, or 124.3 acre-feet per year, measured at the point of diversion

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: May 17, 1905

    PLACE OF USE:

NE ¼ NW ¼2.5 ACRES IRRIGATION
NW ¼ NW ¼ 33.0 ACRES IRRIGATION
SECTION 18
TOWNSHIP 40 SOUTH, RANGE 10 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

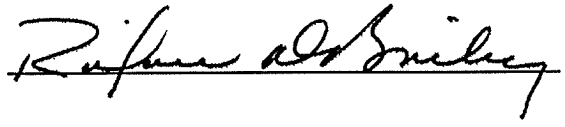
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **212**
Pre-1909 claim

Current Claimant(s) of Record:

Richard Fujas
Fujas, Elizabeth
2300 Colestin Road
Ashland OR 97520

Original Claimant(s):

Richard Fujas
Fujas, Elizabeth

The general location of the claimed use is Section 12, Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 22, 1991.

3. The claim is for a total of 1.77 cubic feet per second from one point of diversion located on Mill Creek, tributary to Klamath River, for irrigation of 30.9 acres and livestock.

4. The claimed period of use is February - November.

5. The claimed priority date is 1853.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 11, Township 41 South, Range 1 East, W.M.

SOURCE: Mill Creek, tributary to Klamath River

USE: irrigation of 30.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.77 cubic feet per second for irrigation, and 960 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1854

PLACE OF USE:

NE ¼ SW ¼	14.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	2.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	2.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	10.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 12
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred in 1854.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **213**
Pre-1909 claim

Current Claimant(s) of Record:

Horst Forster
2324 Colesteine Road
Hornbrook CA 96044

Wesley & Cynthia Norton
PO Box 417
Ashland OR 97520-0014

Richard & Nancy Martin
PO Box 5396
Santa Ana CA 92704-0396

Original Claimant(s):

Gen Hal W Vincent, USMC (Ret)

The general location of the claimed use is Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 2.68 cubic feet per second from two points of diversion located on Mill Creek, tributary to West Fork Cottonwood Creek, and West Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 99.4 acres and livestock.

4. The claimed period of use is May through November for irrigation and year around for livestock.

5. The claimed priority date is 1854.

FINDINGS OF FACT

6. The Department performed a field inspection which found that the irrigation use was limited to 78.8 acres from point of diversion #4 only. Point of diversion #6 did not yet exist at the time of the field inspection.

7. The delivery system has the capacity to deliver the amount specified in item 9 below.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 11, Township 41 South, Range 1 East, W.M.

SOURCE: Mill Creek, tributary to Klamath River

USE: irrigation of 78.8 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.97 cubic feet per second for irrigation, and 4200 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1854

PLACE OF USE:

SE ¼ SE ¼ 9.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NW ¼ SW ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 12
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NW ¼ NW ¼ 22.7 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 10.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NE ¼ NE ¼ 6.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 14
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

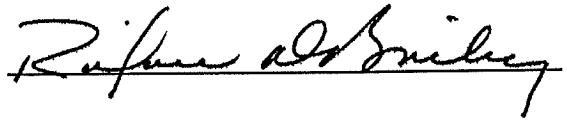
a. Use of water, or construction of works for the application of water occurred in 1854.

b. Works for diversion of water from point of diversion #4 and delivery to the lands described in item #9 above were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **214**
Pre-1909 claim

Current Claimant(s) of Record:

June L Young
13121 Malena Drive
Santa Ana, CA 92705

Original Claimant(s):

June L Young

The general location of the claimed use is Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 0.91 cubic feet per second from two points of diversion located on West Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 41.6 acres and livestock.

4. The claimed period of use is April to November.

5. The claimed priority date is 1854.

FINDINGS OF FACT

6. The Department performed a field inspection which found that the irrigation use within the claimed area was limited to 26.9 acres from point of diversion #5 only. Point of diversion #6 did not yet exist at the time of the field inspection.

7. The delivery system has the capacity to deliver the amount specified in item 9 below.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 14, Township 41 South, Range 1 East, W.M.

SOURCE: West Fork Cottonwood Creek, tributary to Klamath River

USE: irrigation of 26.9 acres and livestock watering for 100 head

AMOUNT ACTUALLY BENEFICIALLY USED: 0.67 cubic feet per second for irrigation, and 1200 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1854

PLACE OF USE:

NW ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ NW ¼	5.8	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NW ¼	4.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

	NE ¼ NE ¼	5.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SE ¼ NE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

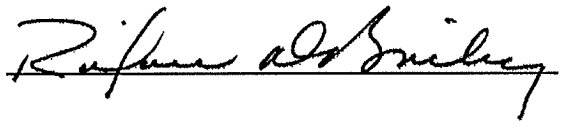
    a. Use of water, or construction of works for the application of water occurred in 1854.

    b. Works for diversion of water from point of diversion #5 and delivery to the lands described in item #9 above were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **215**
Pre-1909 claim

Current Claimant(s) of Record:

Jerry Barry
8000 Copco Rd
Ashland OR 97520

Original Claimant(s):

Jerry Barry

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for a total of 1.18 cubic feet per second from three points of diversion located on Sloan Springs, tributary to Sloan Creek, for irrigation of 78.0 acres.

4. The claimed period of use is March 1 through October 30.

5. The claimed priority date is 1900.

FINDINGS OF FACT

6. A private engineer or surveyor prepared a map which showed the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:
Spring #1: SE ¼ NW ¼, Section 11, Township 41 South, Range 4 East, W.M.
Spring #2: SW ¼ NE ¼, Section 11, Township 41 South, Range 4 East, W.M.
Spring #2: SW ¼ NE ¼, Section 11, Township 41 South, Range 4 East, W.M.

SOURCE: Sloan Springs, being Springs #1, #2, and #3, tributary to Sloan Creek

USE: irrigation of 78.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.18 cubic feet per second, being 1.0 cfs from Spring #1, 0.09 cfs from Spring #2, and 0.09 cfs from Spring #3, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1900

PLACE OF USE:

NE ¼ NW ¼ 33.0 ACRES IRRIGATION
SE ¼ NW ¼ 30.0 ACRES IRRIGATION
NE ¼ SW ¼ 15.0 ACRES IRRIGATION
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

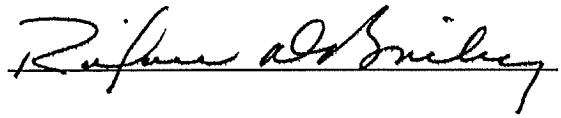
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **216**
Pre-1909 claim

Current Claimant(s) of Record:

Jerry Barry
8000 Copco Rd
Ashland OR 97520

Original Claimant(s):

Jerry Barry

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.

3. The claim is for an unspecified amount of water from one point of diversion located on Fall Creek Springs, tributary to Fall Creek, for irrigation of 80.0 acres.

4. The claimed period of use is March 1 through October 30.

5. The claimed priority date is December 2, 1899.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **217**
Pre-1909 claim

Current Claimant(s) of Record:

Kristy Goldman
William Goldman
Charles Troutman
Marilyn Troutman
Chuck Troutman
Val Troutman
9921 Copco Road
Ashland OR 97520

Original Claimant(s):

Larry Leonard

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 25, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.

3. The claim is for a total of 348 gallons per minute from three points of diversion located on two springs and another greater spring area and unnamed stream, tributary to Fall Creek, for irrigation of 29.5 acres, domestic and livestock.

4. The claimed period of use is May 1 through October 31 for irrigation and year round for domestic and livestock.

5. The claimed priority date is 1895.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. In a letter dated June 24, 1999, the current claimant estimated the quantity of water used for irrigation to be 236 gallons per minute and the quantity of water used for livestock to be 82 gallons per minute.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Domestic:
RATE: 0.01 cfs/dwelling SEASON: January 1 - December 31

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 2, Township 41 South, Range 4 East, W.M.

SOURCE: spring, tributary to Fall Creek

USE: domestic for two dwellings

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1895

PLACE OF USE:

NE ¼ SW ¼ DOMESTIC
SECTION 2
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 2, Township 41 South, Range 4 East, W.M.

SOURCE: three springs, tributary to Fall Creek

USE: irrigation of 29.5 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured at the point of diversion for irrigation; 720 gallons per day for 60 head of livestock. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: December 31, 1895

PLACE OF USE:

SW ¼ NW ¼	0.2	ACRES IRRIGATION
SE ¼ NW ¼	24.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	4.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	0.5	ACRES IRRIGATION

SECTION 2
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

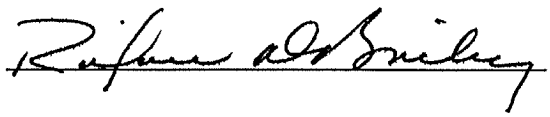
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **218**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp
dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 4 East, W.M. and Township 48 North, Range 4 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 16.5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Jenny Creek/Klamath River, for power.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is September 23, 1902.

6. The claimant corrected the claim to include an additional point of diversion from Fall Creek located in NW ¼ NW ¼ Section 19, Township 48 North, Range 4 West, M.D.M. in California.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The Klamath Basin General Stream Adjudication only adjudicates points of diversion that are located in Oregon. The Fall Creek diversion is located in California. Therefore, the Department proposes to neither approve nor deny the Fall Creek diversion point.

9. The delivery system from the Spring Creek diversion has the capacity to deliver the claimed amount.

10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For power use:SEASON: January 1 - December 31

11. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 3, NE ¼ NW ¼, Section 3, Township 41 South, Range 4 East, W.M.

SOURCE: Spring Creek, tributary to Klamath River

USE: power

AMOUNT ACTUALLY BENEFICIALLY USED: 16.5 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: September 23, 1902

PLACE OF USE:

SW ¼ NW ¼ POWER
SECTION 30
TOWNSHIP 48 NORTH, RANGE 4 WEST, M.D.M.

12. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

13. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **219**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp
dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on unnamed stream (Tom Creek), tributary to Klamath River, for irrigation of 8 acres.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is 1906.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 12, Township 41 South, Range 5 East, W.M.

   SOURCE: unnamed stream (Tom Creek), tributary to Klamath River

   USE: irrigation of 6.2 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.16 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: December 31, 1906

   PLACE OF USE:

   SW ¼ SW ¼ 3.1 ACRES IRRIGATION
   SE ¼ SW ¼ 3.1 ACRES IRRIGATION
   SECTION 12
   TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

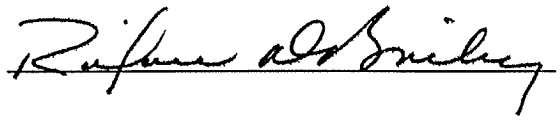
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1906.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **220**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Hayden Creek, tributary to Klamath River, for irrigation.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is September 4, 1906.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 4, Section 13, Township 41 South, Range 5 East, W.M.

   SOURCE: Hayden Creek, tributary to Klamath River

   USE: irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.10 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: September 4, 1906

   PLACE OF USE:

   LOT 3 1.3 ACRES IRRIGATION
   LOT 4 2.8 ACRES IRRIGATION
   SECTION 13
   TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

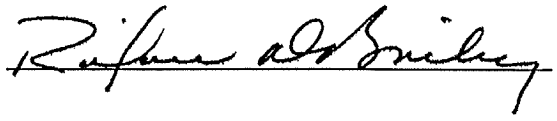
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1906.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **221**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M. and Township 48 North, Range 3 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 12.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of acres.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is 1874.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 3, SW ¼ SE ¼, Section 12, Township 41 South, Range 5 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 29.4 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.74 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1874

PLACE OF USE:

NE ¼ SE ¼ 6.7 ACRES IRRIGATION
SE ¼ SE ¼ 9.1 ACRES IRRIGATION
SECTION 15
TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NE ¼ NE ¼ 4.3 ACRES IRRIGATION
SE ¼ NE ¼ 1.0 ACRES IRRIGATION
NE ¼ SE ¼ 3.7 ACRES IRRIGATION
SECTION 22
TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NW ¼ SW ¼ 4.6 ACRES IRRIGATION
SECTION 23
TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

10. For the required Pre-1909 elements the Department finds:

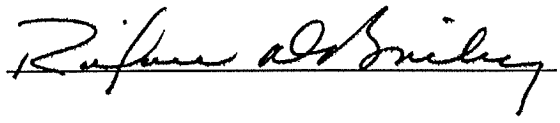
a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1874.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **222**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M. and Township 48 North, Range 3 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 12.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 54 acres.

4. The claimed period of use is April 15 through October 31.

5. The claimed priority date is 1874.

6. The claimant corrected the claim to include irrigation of 57.6 acres, as shown on the Department map, which the claimant had accepted in the claim form, item 11.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The delivery system has the capacity to deliver 4.71 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: Government Lot 3, Section 13, Township 41 South, Range 5 East, W.M.

    SOURCE: Klamath River, tributary to Pacific Ocean

    USE: irrigation of 57.6 acres

    AMOUNT ACTUALLY BENEFICIALLY USED: 1.44 cubic feet per second, measured at the point of diversion

    PERIOD OF USE: March 1 - October 31

    PRIORITY DATE: December 31, 1874

    PLACE OF USE:

NE ¼ SE ¼	5.0	ACRES IRRIGATION
SW ¼ SE ¼	1.1	ACRES IRRIGATION
SE ¼ SE ¼	10.2	ACRES IRRIGATION

SECTION 15
TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NE ¼ NE ¼	18.5	ACRES IRRIGATION
NW ¼ NE ¼	2.0	ACRES IRRIGATION
SW ¼ NE ¼	0.9	ACRES IRRIGATION
SE ¼ NE ¼	18.1	ACRES IRRIGATION
NE ¼ SE ¼	1.0	ACRES IRRIGATION
NW ¼ SE ¼	0.8	ACRES IRRIGATION

SECTION 22
TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

11. For the required Pre-1909 elements the Department finds:

    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1874.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **223**
Pre-1909 claim

Current Claimant(s) of Record:

Randy Landolt
Pacificorp; dba Pacific Power and Light Co.
825 NE Multnomah Suite 1700
Portland OR 97232

Original Claimant(s):

Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on unnamed Spring for domestic.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is September 4, 1906.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver 0.01 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 11, Township 41 South, Range 5 East, W.M.

   SOURCE: unnamed Spring, tributary to Klamath River

   USE: domestic

   AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: September 4, 1906

   PLACE OF USE:

   SW ¼ SW ¼ DOMESTIC
   SECTION 12
   TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **224**
Pre-1909 claim

Current Claimant(s) of Record:

Winston H. Patterson
Louise Patterson
James C. Ross
Marilyn J. Ross
20792 Keno Worden Road
Klamath Falls OR 97603

Original Claimant(s):

Winston H. Patterson
Louise Patterson
James C. Ross
Marilyn J. Ross

The general location of the claimed use is Township 41 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on October 30, 1990.

3. The claim is for a total of 5 cubic feet per second from one point of diversion located on Bear Creek, tributary to Klamath River, for irrigation of 232 acres.

4. The claimed period of use is late April thru August.

5. The claimed priority date is May 13, 1899.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 4, Township 41 South, Range 8 East, W.M.

   SOURCE: Bear Creek, tributary to Klamath River

   USE: irrigation of 232 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 5.0 cubic feet per second, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: May 13, 1899

   PLACE OF USE:

NE ¼ NW ¼	8.9	ACRES IRRIGATION
NW ¼ NW ¼	31.4	ACRES IRRIGATION
SW ¼ NW ¼	28.5	ACRES IRRIGATION
SE ¼ NW ¼	39.7	ACRES IRRIGATION
SW ¼ NE ¼	24.2	ACRES IRRIGATION
LOT 2 NW ¼ SE ¼	32.2	ACRES IRRIGATION
LOT 3 NE ¼ SW ¼	33.6	ACRES IRRIGATION
LOT 4 NW ¼ SW ¼	30.0	ACRES IRRIGATION

SECTION 4
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 1.4 ACRES IRRIGATION
SE ¼ NE ¼ 2.1 ACRES IRRIGATION
SECTION 5
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1899.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **225**
Pre-1909 claim

Current Claimant(s) of Record:

Colestin Organic Farm
2301 Hilt Road
Hornbrook, CA 96044

Original Claimant(s):

SS Bar Ranch

The general location of the claimed use is Township 48 North, Range 7 West, W.M.

This preliminary evaluation takes into consideration all information available as of September 13, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.

3. The claim is for a total of 2.14 cubic feet per second from East Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 45.7 acres and livestock watering for 100 head.

4. Period of use is March 1 to October 30

5. The claimed priority date is 1854.

FINDINGS OF FACT

6. The Department performed a Field Inspection and found the use as claimed.

7. The system will deliver the quantity of water claimed.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   Irrigation:
   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock:
   RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Government Lot 3, SW ¼ NE ¼, Section 13, Township 41 South, Range 1 East, W.M.

   SOURCE: East Fork Cottonwood Creek, tributary to Cottonwood Creek

   USE: irrigation of 45.7 acres and livestock use

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.14 cubic feet per second for irrigation and 1200 gallons per day for livestock, measured at the point of diversion.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: December 31, 1854

   PLACE OF USE:

LOT 2 SW ¼ SE¼	2.4	IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SW¼	5.2	IRRIGATION AND LIVESTOCK

SECTION 15
TOWNSHIP 48 NORTH, RANGE 7 WEST, W.M.

NW ¼ NE¼	17.8	IRRIGATION AND LIVESTOCK
SW ¼ NE¼	16.3	IRRIGATION AND LIVESTOCK
NE ¼ NW¼	2.7	IRRIGATION AND LIVESTOCK
NW ¼ SE¼	1.3	IRRIGATION AND LIVESTOCK

SECTION 22
TOWNSHIP 48 NORTH, RANGE 7 WEST, W.M.

10. For the required Pre-1909 elements the Department finds:

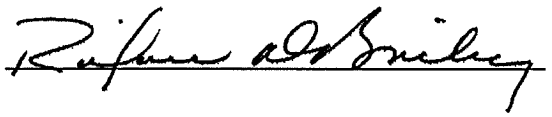
    a. Use of water, or construction of works for the application of water occurred in 1854.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **284**
Pre-1909 Claim

Current Claimant(s) of Record:

Edna B. Lilly
13350 Hwy 66
Klamath Falls OR 97601

Original Claimant(s):

John V. Lilly
Edna B. Lilly

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on March 31, 1997.

2. The claim was withdrawn on March 19, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **285**
Pre-1909 claim

Current Claimant(s) of Record:

John V. Lilly
Edna B. Lilly
13350 Hwy 66
Klamath Falls OR 97601

Original Claimant(s):

John V. Lilly
Edna B. Lilly

The general location of the claimed use is Township 39 South, Range 8 East and Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on March 31, 1997.

3. The claim is for a total of 1.12 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 78.5 acres and livestock.

4. The claimed period of use is April 1 through November 15 for irrigation, year round for livestock.

5. The claimed priority date is 1905.

6. Claim was corrected, to 1.545 cubic feet per second for the irrigation of 68.1 acres, on March 19, 1999. The livestock use was described as incidental.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.

8. The delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 59.4 acres irrigation and incidental livestock. This is a smaller amount than claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.49 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

PRIORITY DATE: May 17, 1905

PLACE OF USE:

	SE ¼ NW ¼	4.4	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	7.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW ¼ SW ¼	5.5	ACRES IRRIGATION AND LIVESTOCK

LOT 2	SE ¼ SW ¼	3.7	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NW ¼ SE ¼	2.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NE ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ SW ¼	3.8	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SW ¼ SW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 8	NE ¼ NW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 5
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

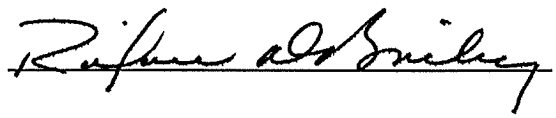
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **286**
Pre-1909 claim

Current Claimant(s) of Record:

Klamath Sprig and Honker Club Inc.
8346 Woodborough Way
Fair Oaks CA 95628

Original Claimant(s):

Klamath Sprig and Honker Club Inc.

The general location of the claimed use is Township 47 North, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 28, 1997.

3. The claim is for a total of 50 cubic feet per second from two points of diversion located on Link R Dam, tributary to Tule L, for irrigation of 880 acres.

4. The claimed period of use is January 1 through June 30.

5. The claimed priority date is December 31, 1950.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

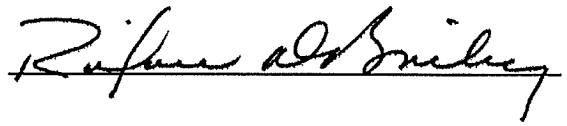
   a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

   b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **287**
Pre-1909 claim

Current Claimant(s) of Record:

Oregon Department of Fish and Wildlife
1850 Miller Island Road W.
Klamath Falls OR 97603

Original Claimant(s):

Oregon Department of Fish and Wildlife

The general location of the claimed use is NW 1/4 NW 1/4 Section 25, Township 39 S, Range 8 E., WM

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation & domestic.

4. The claimed period of use is April 1 through October 1.

5. The claimed priority date is December 31, 1905.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

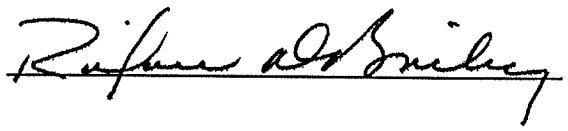
   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **288**
Pre-1909 claim

Current Claimant(s) of Record:

David P. Henzel
15195 NW Aberdeen Dr
Portland OR 97229-0936

Original Claimant(s):

David P. Henzel

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997.

3. The claim is for a total of 6.03 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 36.3 acres.

4. The claimed period of use is May 1 through October 31.

5. The claimed priority date is May 19, 1905.

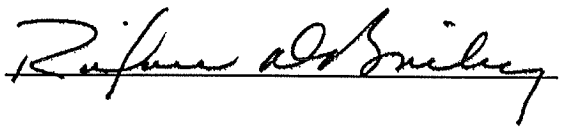
FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **289**
Pre-1909 claim

Current Claimant(s) of Record:

Plevna District Improvement Co.
P.O. Box 16
Klamath Falls OR 97601

Original Claimant(s):

Plevna District Improvement Co.

The general location of the claimed use is Township 39 South, Range 8 East and Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 8.13 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 477.5 acres and livestock.

4. The claimed period of use is April 1 through November 1.

5. The claimed priority date is 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which did not entirely cover the lands involved in the claim. The field inspection did not indicate use of water for livestock.

7. The delivery system has the capacity to deliver 3.21 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: LOT 7 NE ¼ NW ¼, Section 19, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 301.1 acres and livestock. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.21 cubic feet per second, measured at the point of diversion for irrigation and 4800 gallons per day for 400 head of cattle. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 17, 1905

PLACE OF USE:

SW ¼ NE ¼	14.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	8.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	27.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	32.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	7.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	7.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	15.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

SE ¼ NE ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	22.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	4.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	39.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	35.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	4.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 23
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼	3.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 24
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

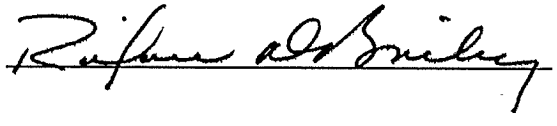
    a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **290**
Pre-1909 claim

Current Claimant(s) of Record:

Collins Products LLC
P.O. Box 16
Klamath Falls OR 97601

Original Claimant(s):

Collins Products LLC

The general location of the claimed use is Township 39 South, Range 8 East

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 95.36 cubic feet per second from six points of diversion located on Klamath River, tributary to Pacific Ocean, for industrial & manufacturing.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is unknown.

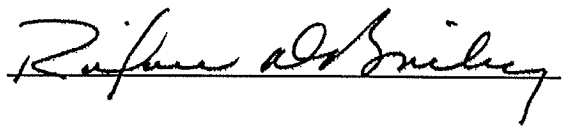
FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

CONCLUSION

7. The required elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **291**
Pre-1909 claim

Current Claimant(s) of Record:

Earl Martin Kerns
Shirley F. Kerns
9350 Highway 66
Klamath Falls, OR 97601

Original Claimant(s):

Earl Martin Kerns
Shirley F. Kerns

The general location of the claimed use is Township 39 South, Range 8 East, W. M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 4, 1997

3. The claim is for a total of 6.12 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 156.7 acres and stock water for 500 head.

4. The claimed period of use is March 15 through November 15 for irrigation and all year for stock water.

5. The claimed priority date is 1905

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. Claim was amended on March 22, 1999 to reflect the Department's map and Field Inspection Report.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

Livestock:
RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NE ¼, Section 34, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 158.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.97 cubic feet per second, measured at the point of diversion for irrigation and 6000 gallons per day for livestock. This is less than the amount claimed

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1905

PLACE OF USE:

NE ¼ NW ¼	7.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	11.5	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK

SE ¼ NW ¼	38.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	38.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	27.6	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ SW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 27
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SE ¼ SE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 28
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred prior to 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **292**
Pre-1909 claim

Current Claimant(s) of Record:

Gary Griffith
Marjorie Divine
Victor Divine
857 Griffith Lane
Klamath Falls OR 97603-9369

David Griffith
Nora Griffith
PO Box 7579
Klamath Falls, OR 97602

Original Claimant(s):

David Griffith
Gary Griffith
Karen Griffith
Marjorie Divine
Victor Divine

The general location of the claimed use is Township 39 South, Range 9 East, W. M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on March 26, 1997.

3. The claim is for a total of 4.04 cubic feet per second from one point of diversion located on Klamath River, tributary to Klamath River, for irrigation of 37.5 acres.

4. The claimed period of use is March to October.

5. The claimed priority date is 1867.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 8, SE ¼ NW ¼, Section 17, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Klamath River

USE: irrigation of 37.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.94 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE:

LOT 2 SE ¼ NE ¼	1.8	ACRES IRRIGATION
LOT 3 SW ¼ NE ¼	14.1	ACRES IRRIGATION
LOT 4 NW ¼ SE ¼	14.0	ACRES IRRIGATION
LOT 8 SE ¼ NW ¼	7.6	ACRES IRRIGATION

SECTION 17
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

    a. Use of water, or construction of works for the application of water occurred on May 19, 1905.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Current Claimant(s) of Record:

Don Johnston and Son
13619 Hwy 66
Klamath Falls OR 97601

Enterprise Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pine Grove Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pioneer District Improvement Company
12951 Hwy 66
Klamath Falls OR 97601

Shasta View Irrigation District
PO Box 46
Malin OR 97632

Van Brimmer Ditch Company
PO Box 292
Merrill OR 97633

Ady District Improvement Company
18110 Keno Warden Rd
Klamath Falls OR 97603

Klamath Basin Improvement District
6640 KID Lane
Klamath Falls OR 97603

Klamath Drainage District
4901 Lower Klamath Lake Rd
Klamath Falls OR 97601

Klamath Hills District Improvement Company
22020 Malone Rd
Merrill OR 97633

Midland District Improvement Company
PO Box 63
Midland OR 97634

Poe Valley Improvement District
25400 Poe Valley Rd
Klamath Falls OR 97603

Sunnyside Irrigation District
PO Box 1009
Merrill OR 97633

Klamath Irrigation District
6640 KID Lane
Klamath Falls OR 97603

Malin Irrigation District
PO Box 355
Malin OR 97632

Thomas J Shaw
Modoc Lumber Company
PO Box 257
Klamath Falls OR 97601

Rich Flink
Reames Golf and Country Club Inc
4201 Hwy 97 South
Klamath Falls OR 97603

Tulelake Irrigation District
PO Box 699
Tulelake CA 96134

Berlva Pritchard
PO Box 176
Days Creek OR 97424

Brad Luscombe
Rt 1 Box 444
Tule Lake CA 96134

Gary Orem
19980 Hwy 50
Merrill OR 97633

Ralph Stearns
PO Box 434
Merrill OR 97633

Randy Walthall
1200 Stewart Rd
Sacramento CA 95864

Inter-County Title Company
PO Box 1048
Placerville CA 95667
Donald Vincent

Phyllis Vincent
5540 Villa Dr
Klamath Falls OR 97603

Don Buffington
Winema Hunting Lodge
14154 Donart Dr
Poway CA 92064

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 3,280 cubic feet per second from the natural flow of Upper Klamath Lake and Lake Ewauna, Link River and Klamath River, including Lost River Diversion Channel, and all tributaries to the Klamath River. Some of the claimants

redivert this natural flow from Lost River, Tule Lake, Lower Klamath Lake and other interconnected channels. The claimed use is irrigation and stock (which is included within the quantity defined in this claim).

4. The claimed period of use is January 1 through December 31.

5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION:

A Canal:	SW ¼ NE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
Reams:	SE ¼ NE ¼,	Section 18,	Township 39 South, Range 9 East, W.M.
Pioneer:	NE ¼ NE ¼,	Section 34,	Township 39 South, Range 8 East, W.M.
Ady Canal:	NE ¼ NW ¼,	Section 15,	Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:

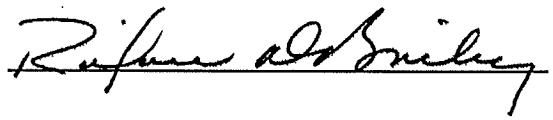
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **322**
Pre-1909 claim

Current Claimant(s) of Record:

Don Johnston and Son
13619 Hwy 66
Klamath Falls OR 97601

Enterprise Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pine Grove Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pioneer District Improvement Company
12951 Hwy 66
Klamath Falls OR 97601

Shasta View Irrigation District
PO Box 46
Malin OR 97632

Van Brimmer Ditch Company
PO Box 292
Merrill OR 97633

Ady District Improvement Company
18110 Keno Warden Rd
Klamath Falls OR 97603

Klamath Basin Improvement District
6640 KID Lane
Klamath Falls OR 97603

Klamath Drainage District
4901 Lower Klamath Lake Rd
Klamath Falls OR 97601

Klamath Hills District Improvement Company
22020 Malone Rd
Merrill OR 97633

Midland District Improvement Company
PO Box 63
Midland OR 97634

Poe Valley Improvement District
25400 Poe Valley Rd
Klamath Falls OR 97603

Sunnyside Irrigation District
PO Box 1009
Merrill OR 97633

Klamath Irrigation District
6640 KID Lane
Klamath Falls OR 97603

Malin Irrigation District
PO Box 355
Malin OR 97632

Thomas J Shaw
Modoc Lumber Company
PO Box 257
Klamath Falls OR 97601

Rich Flink
Reames Golf and Country Club Inc
4201 Hwy 97 South
Klamath Falls OR 97603

Tulelake Irrigation District
PO Box 699
Tulelake CA 96134

Berlva Pritchard
PO Box 176
Days Creek OR 97424

Brad Luscombe
Rt 1 Box 444
Tule Lake CA 96134

Gary Orem
19980 Hwy 50
Merrill OR 97633

Ralph Stearns
PO Box 434
Merrill OR 97633

Randy Walthall
1200 Stewart Rd
Sacramento CA 95864

Inter-County Title Company
PO Box 1048
Placerville CA 95667
Donald Vincent

Phyllis Vincent
5540 Villa Dr
Klamath Falls OR 97603

Don Buffington
Winema Hunting Lodge
14154 Donart Dr
Poway CA 92064

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 753,500 acre feet of storage from Klamath River, Link River and all tributaries within Upper Klamath Lake including Agency Lake, and Lake Ewauna. Stored water to be used for irrigation and livestock as described in Claim #323.

4. The claimed period of use is January 1 through December 31.

5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

FINDINGS OF FACT

6. The Department did not perform a field inspection to determine the storage capacities of the claimed facilities.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the storage system.

8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: Link River Dam; NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

   SOURCE: Klamath River, tributary to Pacific Ocean

   USE: Storage of water for irrigation

   AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the storage system.

   PERIOD OF USE: January 1 - December 31

   PRIORITY DATE: May 19, 1905

9. For the required Pre-1909 elements the Department finds:

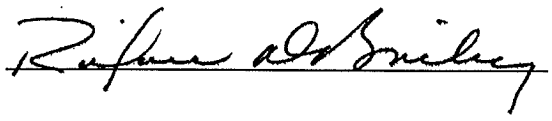
   a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

10. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **323**
Pre-1909 claim

Current Claimant(s) of Record:

Don Johnston and Son
13619 Hwy 66
Klamath Falls OR 97601

Enterprise Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pine Grove Irrigation District
4806 Hwy 39
Klamath Falls OR 97603

Pioneer District Improvement Company
12951 Hwy 66
Klamath Falls OR 97601

Shasta View Irrigation District
PO Box 46
Malin OR 97632

Van Brimmer Ditch Company
PO Box 292
Merrill OR 97633

Ady District Improvement Company
18110 Keno Warden Rd
Klamath Falls OR 97603

Klamath Basin Improvement District
6640 KID Lane
Klamath Falls OR 97603

Klamath Drainage District
4901 Lower Klamath Lake Rd
Klamath Falls OR 97601

Klamath Hills District Improvement Company
22020 Malone Rd
Merrill OR 97633

Midland District Improvement Company
PO Box 63
Midland OR 97634

Poe Valley Improvement District
25400 Poe Valley Rd
Klamath Falls OR 97603

Sunnyside Irrigation District
PO Box 1009
Merrill OR 97633

Klamath Irrigation District
6640 KID Lane
Klamath Falls OR 97603

Malin Irrigation District
PO Box 355
Malin OR 97632

Thomas J Shaw
Modoc Lumber Company
PO Box 257
Klamath Falls OR 97601

Rich Flink
Reames Golf and Country Club Inc
4201 Hwy 97 South
Klamath Falls OR 97603

Tulelake Irrigation District
PO Box 699
Tulelake CA 96134

Berlva Pritchard
PO Box 176
Days Creek OR 97424

Brad Luscombe
Rt 1 Box 444
Tule Lake CA 96134

Gary Orem
19980 Hwy 50
Merrill OR 97633

Ralph Stearns
PO Box 434
Merrill OR 97633

Randy Walthall
1200 Stewart Rd
Sacramento CA 95864

Inter-County Title Company
PO Box 1048
Placerville CA 95667
Donald Vincent

Phyllis Vincent
5540 Villa Dr
Klamath Falls OR 97603

Don Buffington
Winema Hunting Lodge
14154 Donart Dr
Poway CA 92064

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 753,500 acre feet of water stored in Upper Klamath Lake including Agency Lake, and Lake Ewauna, as regulated by Link River Dam and Keno

Dam. The claimed use is irrigation and stock (which is included within the quantity defined in this claim).

4. The claimed period of use is January 1 through December 31.

5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION:

A Canal:	SW ¼ NE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
Reams:	SE ¼ NE ¼,	Section 18,	Township 39 South, Range 9 East, W.M.
Pioneer:	NE ¼ NE ¼,	Section 34,	Township 39 South, Range 8 East, W.M.
Ady Canal:	NE ¼ NW ¼,	Section 15,	Township 40 South, Range 8 East, W.M.

SOURCE: Stored water in Upper Klamath Lake

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:

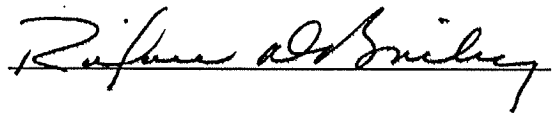
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **324**
Pre-1909 claim

Current Claimant(s) of Record:

Tulelake Irrigation District
PO Box 699
Tulelake CA 96134

Berlva Pritchard
PO Box 176
Days Creek OR 97424

Brad Luscombe
Rt 1 Box 444
Tule Lake CA 96134

Gary Orem
19980 Hwy 50
Merrill OR 97633

Ralph Stearns
PO Box 434
Merrill OR 97633

Randy Walthall
1200 Stewart Rd
Sacramento CA 95864

Inter-County Title Company
PO Box 1048
Placerville CA 95667
Donald Vincent

Phyllis Vincent
5540 Villa Dr
Klamath Falls OR 97603

Don Buffington
Winema Hunting Lodge
14154 Donart Dr
Poway CA 92064

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for the storage of 34,000 acre feet in Tule Lake from Klamath River, Link River, Upper Klamath Lake and all tributaries to the Klamath River and the use of that stored water at a rate of 860 cubic feet per second for irrigation and stock (which is included within the quantity defined in this claim).

4. The claimed period of use is January 1 through December 31.

5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the storage and delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   Irrigation:
   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   (The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   SOURCE: Stored water in Tule Lake Sump

   AMOUNT ACTUALLY STORED: The claimant failed to provide sufficient information to calculate the capacity of the storage system.

   PERIOD OF USE: January 1 - December 31 for storage
   March 1 - October 31 for irrigation

PRIORITY DATE: May 19, 1905

USE OF STORED WATER: irrigation

SOURCE: Stored water in Tule Lake Sump

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PLACE OF USE FOR IRRIGATION: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:

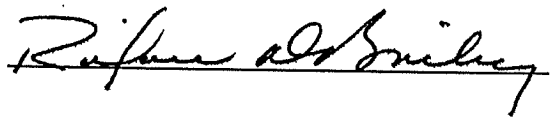
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_134714

SECTION III
ALLOTEE

an Indian, and carry a priority date defined by the Treaty.[1] The PIA rights held by Klamath Indian allottees are the rights to water sufficient to fulfill the Treaty purposes of promoting the adoption of an agricultural lifestyle by the Klamath Tribe within the Reservation boundaries.[2] Such rights are therefore confined to former Reservation land and must be claimed by a Klamath Indian.

Elements #3 and #4

Elements 3 and 4, echoed in OAR 690-28-026(1), reflect the analyses applied in *Big Horn I*[3] and other cases.[4] In *Big Horn I*, the court explained:

> The determination of (PIA) involves a two-part analysis, i.e., the PIA must be susceptible of sustained irrigation (not only proof of the *arability* but also of the *engineering feasibility* of irrigating the land) and irrigable "at *reasonable cost.*"[5]

Element #5

The 5th element, echoed in OAR 690-28-026(3), is consistent with the Ninth Circuit's decision in *United States v. Anderson*, 736 F2d 1358 (9th Cir. 1984), regarding Indian reacquisition of land after allotment and sale to non-Indians. In *Anderson*, the court explained:

> ...(A) non-Indian successor acquires a right to that quantity of water being utilized at the time title passes, plus that amount of water which the successor puts to *beneficial use* with *reasonable diligence* following the transfer of title. Where "the full measure of the Indian's reserved water right is not acquired by this means and maintained through continued use, it is lost to the non-Indian successor." Consequently, *on reacquisition the Tribe reacquires only those rights which have not been lost* through nonuse...[6]

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[1] *Arizona v. California*, 373 US 546, 600-601 (1963).

[2] The Treaty with the Klamath Indians of October 14, 1864, states in part: "(T)he design of the expenditure [in payment for the country ceded by this treaty] ... (is) to promote the well-being of the Indians, advance them in civilization, and *especially in agriculture*, and to secure their moral improvement and education." 16 Stat. 707, 708, Art. II (emphasis added).

[3] *In re Rights to Use Water in Big Horn River*, 753 P2d 76 (Wyo. 1988).

[4] *See, e.g., State ex rel. Martinez v. Lewis*, 861 P2d 235, 247 (N.M.App. 1993).

[5] *Big Horn I*, 753 P2d at 101 (emphasis added).

[6] *United States v. Anderson*, 736 F2d 1358, 1362 (9th Cir. 1984) (emphasis added) (citation omitted).

Thus, a non-Indian successor to an Indian allottee can lose both the developed and the "inchoate" portions of the Indian's PIA right by failing to diligently put such water to beneficial use, and those rights once lost are not revived by subsequent Indian reacquisition.

WNP:bjw:rws/GEN28794

KBA_APP_134718

KBA_APP_134720

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **65**
Allottee Claim

Current Claimant(s) of Record:

Gerald A. Page
Louise L. Page
PO Box 429
Fort Klamath OR 97626

Original Claimant(s):

Gerald A. Page
Louise L. Page

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on January 16, 1991.

2. The claim was withdrawn on March 16, 1994.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **70**
Allottee claim

Current Claimant(s) of Record:

Hilda Francis
Estate of Jesse Francis
PO Box 213
Chiloquin OR 97624

Original Claimant(s):

Hilda Francis
Estate of Jesse Francis

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF AN *ALOTTEE* CLAIM

1. Elements of an *Allottee* right with an October 14, 1864 priority date are:

    1. Elements of a Allottee right with an October 14, 1864 priority date are:

    a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

    b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

    c. The claimant must be a Klamath Indian.

    d. The land must be arable.

    e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

    f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.

3. The claim is for the amount of water used or necessary for each use "as set forth in attached certificates" from three points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 216 acres.

4. The claimed period of use is April 1 through November 30.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which did support the claim.

8. The delivery system has the capacity to deliver 5.26 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. For diversion point #1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 23, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 66.8 acres and incidental livestock use.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.67 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	2.0	ACRES IRRIGATION
SW ¼ SW ¼	2.8	ACRES IRRIGATION
SE ¼ SW ¼	20.0	ACRES IRRIGATION

SECTION 23
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	28.0	ACRES IRRIGATION
NW ¼ NW ¼	12.0	ACRES IRRIGATION
SE ¼ NW ¼	2.0	ACRES IRRIGATION

SECTION 26
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

For diversion point #2, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 26, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 107.6 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.69 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW¼ NW ¼ 13.5 ACRES IRRIGATION
SE¼ NW ¼ 13.7 ACRES IRRIGATION
NE¼ SW ¼ 21.8 ACRES IRRIGATION
NW¼ SW ¼ 36.0 ACRES IRRIGATION
SE¼ SW ¼ 20.2 ACRES IRRIGATION
SECTION 26
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼ 2.4 ACRES IRRIGATION
SECTION 27
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

For diversion point #3, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Portable pumping - SW ¼ NW ¼, SE ¼ NW ¼, Section 26, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 33.6 acres and incidental livestock use. This is less than the quantity claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.84 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW¼ NW ¼ 3.6 ACRES IRRIGATION
SW¼ NW ¼ 14.1 ACRES IRRIGATION
SE¼ NW ¼ 15.9 ACRES IRRIGATION
SECTION 26
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. Practicably irrigable acreage was not claimed.

CONCLUSION

12. The elements for an *Allottee* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **83**
Allottee claim

Current Claimant(s) of Record:

Lititia Kirk
P.O. Box 69622
Portland OR 97201

William Ray
35415 SE Coupland Road
Estacada OR 97023

Klamath and Modoc Tribes
P.O. Box 436
Chiloquin OR 97624

Original Claimant(s):

Lititia Kirk

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 3, 1991.

3. The claim is for a total of 2.5 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath River, for irrigation of 83 acres and livestock.

4. The claimed period of use is March 15 to October 15.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimants are Klamath Indians.

   c. The record does not establish that the land is arable.

   d. The record does not establish that the property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **92**
Allottee Claim

Current Claimant(s) of Record:

Dale Ivan Walker
PO Box 247
Chiloquin OR 97624

Original Claimant(s):

Dale Ivan Walker

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

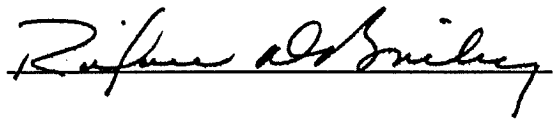
1. The claim was filed on October 25, 1990.

2. The claim was withdrawn on November 5, 1993.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **96**
Allottee claim

Current Claimant(s) of Record:

Stern Skeen and Betty Skeen
2420 Lindley Way
Klamath Falls OR 97601

Original Claimant(s):

Stern Skeen and Betty Skeen

The general location of the claimed use is Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF AN *ALLOTTEE* CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.

3. The claim did not specify the quantity of water claimed. The claim is for water from Trout Creek and Sprague River, tributary to Williamson River, "up to 110 acres" of practicably irrigable acreage, livestock, etc.

4. The claim did not specify the period of use.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required *Allottee* elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimants are Klamath Indians.

   c. The record does not establish that the land is arable.

   d. The property has been in continuous Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **125**
Allottee claim

Current Claimant(s) of Record:

The Morgana Hunter Loving Trust
PO Box 241
Florence OR 97439

Original Claimant(s):

Bettie L. Hunter

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.

3. The claim is for a total of 450 gallons per minute from one point of diversion located on Sprague River, tributary to Klamath River, for irrigation of 37 acres.

4. The claimed period of use is the "normal irrigation season".

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The original claimant is a Klamath Indian. It is unclear whether the current claimant is a Klamath Indian.

   c. The record does not establish that the land is arable.

   d. The record does not establish that the property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

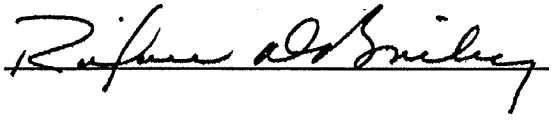
PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **226**
Allottee claim

Current Claimant(s) of Record:

Herman Anderson
Anderson, Deborah
PO Box 19
Beatty OR 97621

Original Claimant(s):

Herman Anderson
Deborah Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 875 acre-feet from points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 95.1 acres, 150.2 acres of practicably irrigable acreage, and 40 head of livestock.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver 2.72 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 6, NE ¼ NW ¼, Section 15, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 96.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.42 cubic feet per second, measured at the point of diversion, for irrigation, and 400 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NE ¼ NW ¼ 7.0 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 20.0 ACRES IRRIGATION
LOT 5 NW ¼ NW ¼ 17.5 ACRES IRRIGATION
LOT 6 NE ¼ NW ¼ 7.4 ACRES IRRIGATION
LOT 11 SE ¼ NW ¼ 1.7 ACRES IRRIGATION
LOT 12 SW ¼ NW ¼ 8.4 ACRES IRRIGATION
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1 NE ¼ NE ¼ 20.0 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 12.4 ACRES IRRIGATION
LOT 8 NE ¼ NE ¼ 2.3 ACRES IRRIGATION
SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 5 NW ¼ NW ¼ LIVESTOCK
LOT 6 NE ¼ NW ¼ LIVESTOCK
LOT 11 SE ¼ NW ¼ LIVESTOCK
LOT 12 SW ¼ NW ¼ LIVESTOCK
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1	NE ¼ NE ¼	LIVESTOCK
LOT 2	NW ¼ NE ¼	LIVESTOCK
LOT 8	NE ¼ NE ¼	LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **227**
Allottee claim

Current Claimant(s) of Record:

Norman Miller Anderson
PO Box 231
Beatty, OR 97621

Original Claimant(s):

Norman Miller Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 126.0 acre-feet from 2 points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 40.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **228**
Allottee claim

Current Claimant(s) of Record:

Oscar T. Anderson
5621½ Altamont Drive
Klamath Falls, OR 97603

Original Claimant(s):

Oscar T. Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 72.7 acre-feet from a point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 23.5 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **229**
Allottee claim

Current Claimant(s) of Record:

Rena Anderson
JoDean Anderson Bryant
Oskie Anderson Yasana
5621½ Altamont Drive
Klamath Falls, OR 97603

Original Claimant(s):

Rena Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 195.1 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 28.8 acres, 20 head of livestock, and 22.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver 0.38 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 6, NE ¼ NW ¼, Section 14, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 28.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.38 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the amount claimed for the irrigation use.

240 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 5	NW ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 6	NE ¼ NW ¼	4.7	ACRES IRRIGATION
LOT 11	SE ¼ NW ¼	0.7	ACRES IRRIGATION
LOT 12	SW ¼ NW ¼	3.4	ACRES IRRIGATION

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 6	NE ¼ NW ¼	LIVESTOCK
LOT 11	SE ¼ NW ¼	LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **230**
Allottee claim

Current Claimant(s) of Record:

Gordon Bettles
HC-30, Box 105A
Chiloquin, OR 97624

Original Claimant(s):

Gordon Bettles

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 4.53 acre-feet from one point of diversion located on Agency Lake, for irrigation of 0.6 acres, 3 head of livestock, and 0.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 7, Township 35 South, Range 7 East, W.M.

    SOURCE: Agency Lake, tributary to Upper Klamath Lake

    USE: irrigation of 0.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion, for irrigation.

30 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NW ¼ 0.6 ACRES IRRIGATION
SE ¼ NW ¼ LIVESTOCK
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

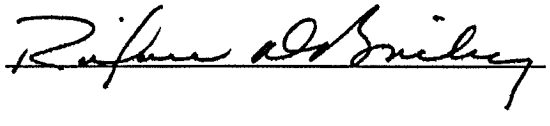
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **231**
Allottee claim

Current Claimant(s) of Record:

Priscilla Bettles
Bettles Family of Oregon, LTD
HC-30, Box 104
Chiloquin, OR 97624

Original Claimant(s):

Priscilla Bettles

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 94.23 acre-feet from points of diversion located on Williamson River and Agency Lake, for 3 head of livestock, and 30.4 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found no existing irrigation. The inspection did not mention the presence of stock on the property.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: None. The livestock drink directly from Agency Lake.

   SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 30 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NW ¼ LIVESTOCK
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

10. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

11. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

12. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **232**
Allottee claim

Current Claimant(s) of Record:

Edward Lalo Case
Cassie Lalo Case
PO Box 124
Chiloquin, OR 97624

Original Claimant(s):

Edward Lalo Case
Cassie Lalo Case

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 12, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 242.9 acre-feet from points of diversion located on the Sprague River and a tributary creek and springs, for irrigation of 34.7 acres, 20 head of livestock, and 29.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. Claimant Cassie Lalo Case is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 34.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.87 cubic feet per second, measured at the point of diversion, for irrigation.

240 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 16.7 ACRES IRRIGATION
SE ¼ SE ¼ 18.0 ACRES IRRIGATION
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SE ¼ LIVESTOCK
SE ¼ SE ¼ LIVESTOCK
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **233**
Allottee claim

Current Claimant(s) of Record:

Dibbon J. Cook
PO Box 338
Sprague River, OR 97639

Original Claimant(s):

Dibbon J. Cook

The general location of the claimed use is Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 708.0 acre-feet from points of diversion located on an unnamed creek in Cook's Canyon, for irrigation of 228.4 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

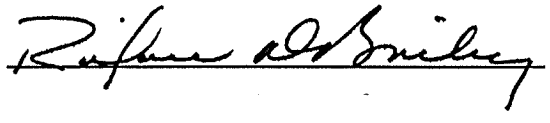
PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **235**
Allottee claim

Current Claimant(s) of Record:

Joy/Doris Effman
2768 18th Street
Sacramento, CA 95818

Original Claimant(s):

Joy/Doris Effman

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 876.7 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 189.2 acres, stock use for 135 head of cattle, and irrigation of 19.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **237**
Allottee Claim

Current Claimant(s) of Record:

Josie Foster
PO Box 66
Beatty OR 97621

Original Claimant(s):

Josie Foster

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on November 2, 1992.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **238**
Allottee claim

Current Claimant(s) of Record:

Estate of Jesse Francis
c/o Mrs. Hilda Francis
PO Box 213
Chiloquin, OR 97624

Original Claimant(s):

Jesse Francis

The general location of the claimed use is Township 31 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 130.5 acre-feet from points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 42.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **239**
Allottee Claim

Current Claimant(s) of Record:

Richard Francis
11863 SW Greenburg Rd #20
Tigard OR 97223

Original Claimant(s):

Richard Francis

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on November 2, 1992.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **240**
Allottee claim

Current Claimant(s) of Record:

Roberta Garcia
PO Box 282
Chiloquin, OR 97624

Original Claimant(s):

Roberta Garcia

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 7.1 acre-feet from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 1.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **241**
Allottee claim

Current Claimant(s) of Record:

Maryett Gentry
PO Box 552
Chiloquin, OR 97624

Original Claimant(s):

Maryett Gentry

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 16, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 83.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 19.0 acres and 35 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 19.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.48 cubic feet per second, measured at the point of diversion, for irrigation.

420 gallons per day, measured at the point of diversion, for livestock

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. This is a shorter season than was claimed for the livestock use. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 20 NW ¼ SW ¼ 19.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

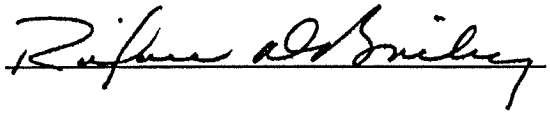
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **243**
Allottee claim

Current Claimant(s) of Record:

Lloyd Lee Hall
Bonnie Hall
PO Box 514
Fort Klamath, OR 97626

Original Claimant(s):

Lloyd Lee Hall
Bonnie Hall

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 277.2 acre-feet from one point of diversion located on Sprague River, for irrigation of 53.5 acres and for irrigation of 14.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 53.5 acres. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 1.34 cubic feet per second, measured at the point of diversion, for irrigation.

    PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 32 SW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 33 SE ¼ SW ¼	6.6	ACRES IRRIGATION
LOT 36 SE ¼ SW ¼	7.9	ACRES IRRIGATION
LOT 37 SW ¼ SE ¼	19.0	ACRES IRRIGATION

SECTION 20
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **244**
Allottee claim

Current Claimant(s) of Record:

Marilyn Hall
PO Box 113
Chiloquin, OR 97624

Original Claimant(s):

Marilyn Hall

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 8.6 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 0.5 acres, and for irrigation of 2.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing development exists.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. No existing development exists and the elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_134774

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **245**
Allottee Claim

Current Claimant(s) of Record:

Snake Harrington
Box 131
Chiloquin OR 97624

Original Claimant(s):

Snake Harrington

This preliminary evaluation takes into consideration all information available as of July 16, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on August 9, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **246**
Allottee claim

Current Claimant(s) of Record:

Errol Hatcher
PO Box 564
Chiloquin, OR 97624

Original Claimant(s):

Errol Hatcher

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 210.2 acre-feet from points of diversion located on Sprague River, for irrigation of 18.4 acres, and 43.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NW ¼ SW ¼, Section 24, Township 34 South, Range 8 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 18.4 acres. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.46 cubic feet per second, measured at the point of diversion, for irrigation.

    PERIOD OF USE: March 1 - October 31 for irrigation

    PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 12.6 ACRES IRRIGATION
SE ¼ SW ¼ 5.8 ACRES IRRIGATION
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **247**
Allottee claim

Current Claimant(s) of Record:

Kathleen Hatcher
Melissa K. Hess
Stephen D. Hess
HC 30, Box 181B
Chiloquin, OR 97624

Original Claimant(s):

Kathleen Hatchaway

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 66.3 acre-feet from points of diversion located on Larkin Creek, tributary to Williamson River, for irrigation of 21.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **248**
Allottee claim

Current Claimant(s) of Record:

Stephen Hess
Melissa Hess
PO Box 111
Beatty, OR 97621

Original Claimant(s):

Stephen Hess
Melissa Hess

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 17, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 338.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 75.7 acres, 40 head of cattle, and 4.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing uses.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 75.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.89 cubic feet per second, measured at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. The period of use for livestock watering is shorter than was claimed. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE ¼ NE ¼ 15.7 ACRES IRRIGATION AND LIVESTOCK
LOT 8 NE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 9 SE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **249**
Allottee claim

Current Claimant(s) of Record:

James Hicks
Hildegard Hicks
PO Box 254
Chiloquin, OR 97624

Original Claimant(s):

James Hicks
Hildegard Hicks

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 660.2 acre-feet from points of diversion located on Williamson River and unnamed tributaries, for irrigation of 9.0 acres, 5 horses, and acres of 200.5 practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No system exists; natural overflow.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: None

SOURCE: unnamed creek, tributary to Williamson River

USE: irrigation of acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.23 cubic feet per second for irrigation.

50 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE ¼ NE ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK
LOT 8 NE ¼ NE ¼ 3.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 6 NW ¼ NW ¼ 5.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

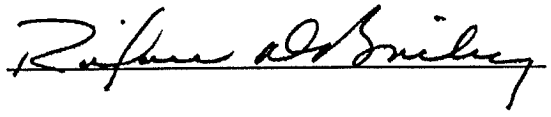
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **250**
Allottee claim

Current Claimant(s) of Record:

Leroy Hicks
Representative of Harry Clarkson
PO Box 551
Chiloquin, OR 97624

Original Claimant(s):

Leroy Hicks

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 501.1 acre-feet from one point of diversion located on Sprague River, for irrigation of 21.2 acres, 80 head of cattle, and 131.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 21.2 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured at the point of diversion, for irrigation.

960 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 40 NW ¼ NW ¼ LIVESTOCK
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 1 NW ¼ NW ¼ LIVESTOCK
LOT 10 NW ¼ NW ¼ LIVESTOCK
SECTION 31
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 5 NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ NW ¼	9.8	ACRES IRRIGATION AND LIVESTOCK
LOT 13 NW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **251**
Allottee claim

Current Claimant(s) of Record:

Ray Hobbs
Alice Hobbs
HC-30 Box 115-H
Chiloquin, OR 97624

Original Claimant(s):

Jay Hobbs
Alice Hobbs

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 31.6 acre-feet from one point of diversion located on Agency Lake, for irrigation of 7.0 acres.

4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 6, Township 35 South, Range 7 East, W.M.

    SOURCE: Agency Lake, tributary to Klamath River

    USE: irrigation of 7.0 acres.

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.18 cubic feet per second, measured at the point of diversion, for irrigation.

    PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 7.0 ACRES IRRIGATION
SECTION 6
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **252**
Allottee claim

Current Claimant(s) of Record:

Leroy Jackson
1306 Patterson Street
Klamath Falls, OR 97603

Original Claimant(s):

Leroy Jackson, Sr.

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 453.0 acre-feet from one point of diversion located on Spring Creek, for irrigation of 96.0 acres, 50 head of cattle, and 12.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 9, Township 34 South, Range 7 East, W.M.

SOURCE: Spring Creek, tributary to Williamson River

USE: irrigation of 96.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.4 cubic feet per second, measured at the point of diversion, for irrigation.

600 gallons per day for livestock. Livestock drink directly from the ditches.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 36.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 20.4 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 9.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SE ¼ 0.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NW ¼ 14.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 13.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

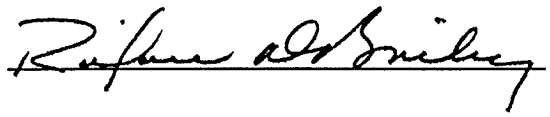
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **253**
Allottee claim

Current Claimant(s) of Record:

Ramon Jimenez
Peggy Jimenez
PO Box 523
Chiloquin, OR 97624

Original Claimant(s):

Ramon Jimenz
Peggy Jimenz

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 225.4 acre-feet from one point of diversion located on Sprague River, for irrigation of 50.8 acres, 40 head of cattle, and 2.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 50.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.27 cubic feet per second, measured at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 12 SW ¼ NW ¼	5.5	ACRES IRRIGATION AND LIVESTOCK
LOT 13 SW ¼ NW ¼	7.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 3
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

LOT 9 SE ¼ NE ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼	17.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 4
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

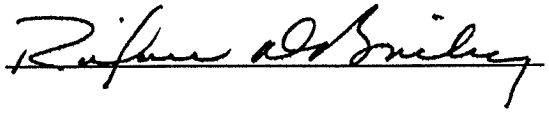
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **254**
Allottee Claim

Current Claimant(s) of Record:

Bernice Joe
PO Box 42
Beatty OR 97621

Original Claimant(s):

Bernice Joe

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **255**
Allottee claim

Current Claimant(s) of Record:

Jerry A. Parrish
Ernestine S. Kirk
PO Box 181
Beatty, OR 97621

Original Claimant(s):

Jerry Parrish
Ernestine S. Kirk

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 479.5 acre-feet from unnamed creeks and springs, for irrigation of 97.4 acres, and 19.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No delivery system exists. The lands are irrigated by means of natural overflow and sub-irrigation from the unnamed springs.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No diversion point exists.

    SOURCE: unnamed springs

    USE: irrigation of 97.4 acres. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 2.4 cubic feet per second.

    PERIOD OF USE: March 1 - October 31 for irrigation

    PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	25.2	ACRES IRRIGATION
SE ¼ SW ¼	17.5	ACRES IRRIGATION
NW ¼ SE ¼	27.1	ACRES IRRIGATION
SW ¼ SE ¼	27.6	ACRES IRRIGATION

SECTION 6
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

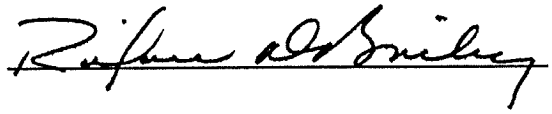
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **256**
Allottee claim

Current Claimant(s) of Record:

Frieda Kirk
11310 Exeter Avenue, NE
Seattle, WA 98125

Original Claimant(s):

Frieda Kirk

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 587.8 acre-feet from 2 points of diversion located on Williamson River, for irrigation of 189.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

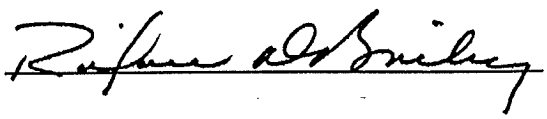
PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **257**
Allottee claim

Current Claimant(s) of Record:

Jess Kirk, Jr.
General Delivery c/o Postmaster
Beatty, OR 97621

Original Claimant(s):

Jess Kirk, Jr.

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 117.8 acre-feet from one point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 38.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **258**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
Orin Kirk
PO Box 313
Chiloquin, OR 97624

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 32 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 653.8 acre-feet from one point of diversion located on Williamson River, for irrigation of 210.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **259**
Allottee claim

Current Claimant(s) of Record:

Kenneth Knight
Estate of Louis Knight
5726 Harlan Drive
Klamath Falls, OR 97603

Original Claimant(s):

Kenneth Knight

The general location of the claimed use is Township 35 South, Range 10 East and Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 2870.4 acre-feet from points of diversion located on Williamson River, for irrigation of 610.3 acres, 500 head of cattle, and 77.2 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing uses as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 1, NW ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 610.3 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 15.26 cubic feet per second, measured at the point of diversion, for irrigation.

6000 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 11
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

SW ¼ SE ¼	22.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 12
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	23.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	35.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	15.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 13
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	39.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	37.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

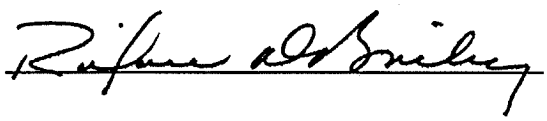
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **260**
Allottee claim

Current Claimant(s) of Record:

Stephen Lang
Beverly Lang
HC-30 Box 76-D
Chiloquin, OR 97624

Original Claimant(s):

Stephen Lang
Beverly Lang

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 85.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 19.5 acres, 5 horses, and 24 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 19.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.49 cubic feet per second, measured at the point of diversion, for irrigation.

338 gallons per day, measured at the point of diversion, for livestock

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. This is a shorter season than was claimed for the livestock use. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 28	SW ¼ SW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 29	SW ¼ SW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 33
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **261**
Allottee claim

Current Claimant(s) of Record:

Diritha Crume
Box I
Beatty, OR 97621

Original Claimant(s):

Biritha Lerume

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 114.3 acre-feet from one point of diversion located on Sprague River, for irrigation of 36.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **262**
Allottee claim

Current Claimant(s) of Record:

Hazel Monteith
PO Box 424 Weed Road
Fort Klamath, OR 97626

Original Claimant(s):

Hazel Monteith

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 79.6 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 18.0 acres, and livestock use for 50 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

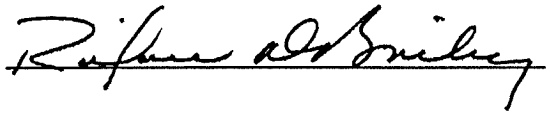
FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **264**
Allottee claim

Current Claimant(s) of Record:

Gerald Page
Louise Page
PO Box 429
Fort Klamath, OR 97626

James Root
Valerie Root
PO Box 129
Medford, OR 97501

Original Claimant(s):

Gerald Page
Louise Page

The general location of the claimed use is Township 34 South, Range 7.5 East and Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 652.5 acre-feet from one point of diversion located on Agency Creek, tributary to Crooked Creek, for irrigation of 144.7 acres, livestock use for 180 head of cattle, and irrigation of 9.2 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A portion of the lands involved in this claim were sold to James and Valerie Root, non-Indians. The remainder of the lands were retained by Pages.

7. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

8. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **265**
Allottee claim

Current Claimant(s) of Record:

Karen Ray
William Ray
HC-30 Box 109
Chiloquin, OR 97624

Original Claimant(s):

Karen Ray
William Ray

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 275.2 acre-feet from one point of diversion located on Agency Lake, for irrigation of 21.7 acres, 85 head of cattle, and irrigation of 58.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: Lot 3, NE ¼ NW ¼, Section 7, Township 35 South, Range 7 East, W.M.

    SOURCE: Agency Lake, tributary to Upper Klamath Lake

    USE: irrigation of 21.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.54 cubic feet per second, measured at the point of diversion, for irrigation.

1020 gallons per day for livestock, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31 for irrigation.
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2 NW ¼ NE ¼	15.3	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ NW ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NE ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

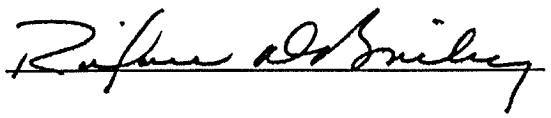
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The extent of water use has not been established for the existing irrigation and stock use. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **266**
Allottee claim

Current Claimant(s) of Record:

Nancy Ridenour
HC-30 Box 67F
Chiloquin, OR 97624

Original Claimant(s):

Nancy Ridenour

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 155.4 acre-feet from one point of diversion located on Sprague River, for irrigation of 29.5 acres, 40 head of cattle, and 9.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 29.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.74 cubic feet per second, measured at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 10 SW ¼ NE ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK
LOT 15 SW ¼ NE ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **267**
Allottee claim

Current Claimant(s) of Record:

Royce Loving Trust
539 Girard Circle
Medford, OR 97504

Original Claimant(s):

Raymond Royce

The general location of the claimed use is Township 30 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 231.9 acre-feet from points of diversion located on Irving Creek, for irrigation of 34.4 acres, 25 head of cattle, and 26.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 19, Township 30 South, Range 11 East, W.M.

    SOURCE: Irving Creek, tributary to Williamson River

    USE: irrigation of 34.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.86 cubic feet per second, measured at the point of diversion, for irrigation.

300 gallons per day for livestock. Livestock drink from the irrigation ditches and directly from Irving Creek.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NW ¼ SW ¼	31.2	IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ SW ¼	3.2	IRRIGATION AND LIVESTOCK

SECTION 19
TOWNSHIP 30 SOUTH, RANGE 11 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **268**
Allottee claim

Current Claimant(s) of Record:

Jennie Sabin
3356 Shasta Way
Klamath Falls, OR 97601

Original Claimant(s):

Jennie Sabin

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 142.2 acre-feet from one point of diversion located on Mill Creek, tributary to Snake Creek, for 25 head of cattle, and 45.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No developed delivery system exists.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No point of diversion exists. Livestock have direct access to the creek.

    SOURCE: Mill Creek, tributary to Snake Creek

    USE: livestock use. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 300 gallons per day for livestock. Livestock drink directly from Mill Creek.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ LIVESTOCK
SE ¼ SW ¼ LIVESTOCK
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **269**
Allottee claim

Current Claimant(s) of Record:

Mary Sheppard
HC-30 Box 78-A
Chiloquin, OR 97624

Original Claimant(s):

Mary Sheppard

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 299.4 acre-feet from points of diversion located on Sprague River, for irrigation of 58.8 acres, 9 horses, and 15.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head Season: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 58.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.47 cubic feet per second, measured at the point of diversion, for irrigation.

90 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2	NW ¼ NE ¼	14.1	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 29
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **270**
Allottee claim

Current Claimant(s) of Record:

Gladys Shoulderblade
PO Box 42
Beatty, OR 97621

Original Claimant(s):

Gladys Shoulderblade

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 236.8 acre-feet from points of diversion located on Snake Creek, tributary to Sycan River, for irrigation of 36.1 acres, and 25.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No point of diversion exists; natural overflow.

    SOURCE: Snake Creek, tributary to Sycan River

    USE: irrigation of 36.1 acres and livestock use. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 0.9 cubic feet per second, measured at the point of diversion, for irrigation.

    PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 36.1 ACRES IRRIGATION
SECTION 26
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

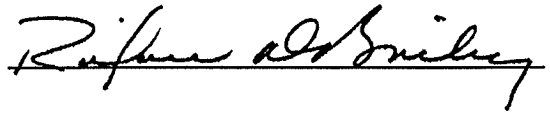
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **271**
Allottee claim

Current Claimant(s) of Record:

Dell Smith, Jr.
Velda/Lorraine Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Dell Smith, Jr.
Velda/Lorraine Smith

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 648.5 acre-feet from points of diversion located on Whiskey Creek and the Sprague River, for irrigation of 111.5 acres, 86 head of livestock, and 53.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing uses.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 19, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 111.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.79 cubic feet per second, measured at the point of diversion, for irrigation.

1020 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 29	SW ¼ SW ¼	12.5	ACRES IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

	NE ¼ NW ¼	22.3	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	26.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	21.4	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ NW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 19
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **272**
Allottee claim

Current Claimant(s) of Record:

Angeline Summers
A. Walker Summers, et al.
PO Box 363
Chiloquin, OR 97624

Original Claimant(s):

Angeline Summers

The general location of the claimed use is Township 35 South, Range 8 East and Township 35 South, Range 9 East W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 1,899.7 acre-feet from points of diversion located on Dockney Flat Creek and Sprague River, for irrigation of 236.8 acres, 246 head of cattle, and 282.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No delivery system exists; overflow.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No point of diversion exists; overflow

    SOURCE: unnamed creek, tributary to Sprague River

    USE: irrigation of 236.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 5.92 cubic feet per second, measured at the point of diversion, for irrigation.

2952 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	15.5	ACRES	IRRIGATION AND IRRIGATION
SW ¼ SE ¼	0.5	ACRES	IRRIGATION AND IRRIGATION
SE ¼ SE ¼	35.8	ACRES	IRRIGATION AND IRRIGATION

SECTION 13
TOWNSHIP 35 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼	8.9	ACRES	IRRIGATION AND IRRIGATION
NW ¼ SE ¼	1.6	ACRES	IRRIGATION AND IRRIGATION
SW ¼ SE ¼	27.0	ACRES	IRRIGATION AND IRRIGATION
SE ¼ SE ¼	5.6	ACRES	IRRIGATION AND IRRIGATION

SECTION 7
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NW ¼	0.0		LIVESTOCK
NW ¼ NW ¼	0.0		LIVESTOCK
SW ¼ NW ¼	10.5	ACRES	IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	7.9	ACRES	IRRIGATION AND LIVESTOCK

SECTION 8
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	18.9	ACRES	IRRIGATION AND IRRIGATION
SW ¼ NE ¼	3.7	ACRES	IRRIGATION AND IRRIGATION
NE ¼ NW ¼	12.2	ACRES	IRRIGATION AND IRRIGATION
SW ¼ NW ¼	14.3	ACRES	IRRIGATION AND IRRIGATION
SE ¼ NW ¼	22.2	ACRES	IRRIGATION AND IRRIGATION
NE ¼ SW ¼	4.7	ACRES	IRRIGATION AND IRRIGATION
LOT 3 NW ¼ SW ¼	34.6	ACRES	IRRIGATION AND IRRIGATION
LOT 4 SW ¼ SW ¼	12.9	ACRES	IRRIGATION AND IRRIGATION

SECTION 18
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

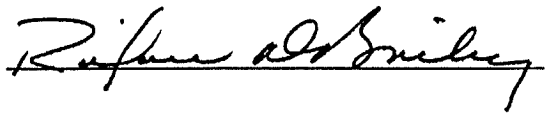
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **273**
Allottee claim

Current Claimant(s) of Record:

Angeline Riddle Tecumseh
502 Delta
Klamath Falls, OR 97601

Original Claimant(s):

Angeline Riddle Tecumseh

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 2, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 107.2 acre-feet from points of diversion located on an unnamed creek, tributary to Sprague River, for irrigation of 34.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **276**
Allottee claim

Current Claimant(s) of Record:

Phyllis Walker
Dale Walker
PO Box 247
Chiloquin, OR 97624

Original Claimant(s):

Dale Walker

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 483.0 acre-feet from one point of diversion located on Williamson River, for irrigation of 70.5 acres, 26 head of cattle, and 57.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver 1.64 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 9, Township 35 South, Range 7 East, W.M.

    SOURCE: Williamson River, tributary to Upper Klamath Lake

    USE: irrigation of 70.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.64 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the quantity claimed.

312 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	SE ¼ SE ¼	3.3	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ NE ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 16	SE ¼ NE ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
LOT 17	NE ¼ SE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 24	NE ¼ SE ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 25	SE ¼ SE ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
LOT 32	SE ¼ SE ¼	11.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

	SW ¼ NW ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	3.3	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ NW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ SW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **277**
Allottee claim

Current Claimant(s) of Record:

Marlin Wilson
PO Box 311
Sprague River, OR 97639

Original Claimant(s):

Marlin Wilson

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 368.6 acre-feet from point of diversion located on the Sprague River and an unnamed tributary to the Sprague River, for irrigation of 10.6 acres, 2 horses, 20 head of cattle, and 104.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing uses.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No diversion point; subirrigation

    SOURCE: unnamed creek, tributary to Sprague River

    USE: irrigation of 10.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.27 cubic feet per second, measured at the point of diversion, for irrigation.

260 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 20 NW ¼ SW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 21 NW ¼ SW ¼	6.9	ACRES IRRIGATION AND LIVESTOCK
LOT 22 NE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 27 SE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 28 SW ¼ SW ¼	2.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 18
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **278**
Allottee claim

Current Claimant(s) of Record:

Irwin Weiser
2326 White Avenue
Klamath Falls, OR 97601

Original Claimant(s):

Irwin Weiser

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 110.9 acre-feet from points of diversion located on Snake Creek, tributary to the Sycan River, for 15 horses, and 35.2 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No delivery system exists; the livestock drink directly from the source.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No diversion point; livestock drink directly from Snake Creek.

    SOURCE: Snake Creek, tributary to Sycan River

    USE: livestock use. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 150 gallons per day for livestock.

    PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼	LIVESTOCK
SE ¼ SW ¼	LIVESTOCK

SECTION 26
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **279**
Allottee claim

Current Claimant(s) of Record:

Paul Wilson
HC-30 Box 148
Chiloquin, OR 97624

Original Claimant(s):

Paul Wilson

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 174.8 acre-feet from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 26.2 acres, stock use for 20 head of cattle, and irrigation of 19.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **280**
Allottee claim

Current Claimant(s) of Record:

Harold B. Wright
PO Box 750
Chiloquin, OR 97624

Original Claimant(s):

Harold B. Wright

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 46.0 acre-feet from Williamson River, for 5 horses, and 14.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No delivery system exists; the livestock drink directly from the source.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No diversion point; livestock drink directly from the Williamson River.

    SOURCE: Williamson River, tributary to Upper Klamath Lake

    USE: livestock use. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 50 gallons per day for livestock.

    PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 4 NW ¼ NW ¼ LIVESTOCK
SECTION 3
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **281**
Allottee claim

Current Claimant(s) of Record:

Aaron Smith
Estate of Lavina Lalo Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Edward Lalo Case
Cassie Lalo Case

The general location of the claimed use is Township 34 & 35 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 161.4 acre-feet from a point of diversion located on Copperfield Creek, tributary to Sprague River, for livestock, and irrigation of 52.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

5. The claimed priority date is October 14, 1864.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The cattle have direct access to the creek; no delivery system exists.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists; stock have direct access to the source.

SOURCE: Copperfield Creek, tributary to Sprague River

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 240 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ LIVESTOCK
NW ¼ SW ¼ LIVESTOCK
SW ¼ SW ¼ LIVESTOCK
SECTION 34
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

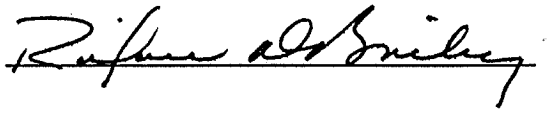
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **282**
Allottee claim

Current Claimant(s) of Record:

Florence McKee
PO Box 1124
Bend, OR 97701

Original Claimant(s):

Florence McKee

The general location of the claimed use is Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on November 4, 1991.

3. The claim is for a total of 554.0 acre-feet from the Sprague River, tributary to Williamson River, for irrigation of 178.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **283**
Allottee claim

Current Claimant(s) of Record:

Mary Nan Reyes
24461 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Mary Nan Reyes

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 27, 1991.

3. The claim is for a total of 7.4 acre-feet from Agency Lake, for irrigation of 2.4 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

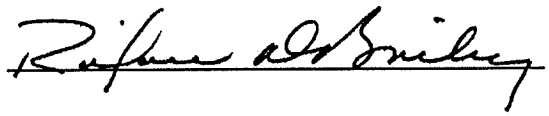
FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **675**
Allottee claim

Current Claimant(s) of Record:

Herman Anderson
Deborah Anderson
PO Box 19
Beatty, OR 97621

Original Claimant(s):

Herman Anderson
Deborah Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 114.9 acre-feet from a point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 37.1 acres of practicably irrigable acreage (total acres includes 0.5 acres for domestic irrigation).

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **676**
Allottee claim

Current Claimant(s) of Record:

Norman Miller Anderson
PO Box 231
Beatty, OR 97621

Original Claimant(s):

Norman Miller Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 708.2 acre-feet from points of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 11.0 acres, 213.1 acres of practicably irrigable acreage, and 20 head of livestock.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver 4.86 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 23, Township 36 South, Range 12 East, W.M.

SOURCE: Brown Creek, tributary to Sprague River

USE: irrigation of 11.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.28 cubic feet per second, measured at the point of diversion, for irrigation, and 240 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	4.3	ACRES IRRIGATION
NW ¼ SW ¼	5.3	ACRES IRRIGATION
SE ¼ SW ¼	1.4	ACRES IRRIGATION

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

NE ¼ SW ¼	LIVESTOCK
NW ¼ SW ¼	LIVESTOCK
SW ¼ SW ¼	LIVESTOCK
SE ¼ SW ¼	LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NE ¼	LIVESTOCK
SE ¼ NE ¼	LIVESTOCK
SE ¼ NW ¼	LIVESTOCK

SECTION 15
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

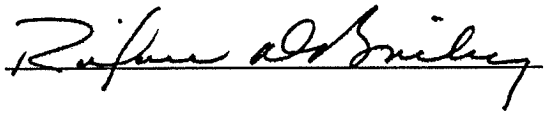
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **677**
Allottee claim

Current Claimant(s) of Record:

Norman Miller Anderson
PO Box 231
Beatty OR 97621

Original Claimant(s):

Norman Miller Anderson

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **678**
Allottee claim

Current Claimant(s) of Record:

Norman Miller Anderson
PO Box 231
Beatty OR 97621

Original Claimant(s):

Norman Miller Anderson

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **679**
Allottee claim

Current Claimant(s) of Record:

Oscar T. Anderson
5621½ Altamont Drive
Klamath Falls, OR 97603

Original Claimant(s):

Oscar T. Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 129.8 acre-feet from points of diversion located on Spring Creek, tributary to Sprague River and Sprague River tributary to Williamson River, for irrigation of 19.4 acres, 40 head of livestock, and 14.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver 0.38 cubic feet per second.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lots 3 & 4, Section 14, Township 36 South, Range 12 East, W.M. (This is a portable point of diversion.)

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 19.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.38 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the amount claimed.

480 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NE ¼ NW ¼	3.5	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	15.9	ACRES IRRIGATION

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 3 NE ¼ NW ¼	LIVESTOCK
LOT 4 NW ¼ NW ¼	LIVESTOCK

SECTION 14
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **680**
Allottee claim

Current Claimant(s) of Record:

Priscilla Bettles
Bettles Family of Oregon, LTD
HC-30, Box 104
Chiloquin, OR 97624

Original Claimant(s):

Priscilla Bettles

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

FINDINGS OF FACT / CONCLUSION

1. This claim was combined with claim number 231.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **681**

Current Claimant(s) of Record:

Edward Lalo Case
Cassie Case
PO Box 124
Chiloquin OR 97624

Original Claimant(s):

Edward Lalo Case
Cassie Case

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **682**
Allottee claim

Current Claimant(s) of Record:

Aaron Smith
Estate of Lavina Lalo Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Dell Smith, Jr.
Velda/Lorraine Smith

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 117.8 acre-feet from a point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 38.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **683**
Allottee claim

Current Claimant(s) of Record:

Aaron Smith
Estate of Lavina Lalo Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Edward Lalo Case
Cassie Lalo Case

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 253.3 acre-feet from points of diversion located on Sprague River, for irrigation of 46.3 acres, 20 head of livestock, and 16.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing uses.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 25, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 46.3 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.16 cubic feet per second, measured at the point of diversion, for irrigation.

240 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼	2.3	ACRES IRRIGATION
NE ¼ SE ¼	14.0	ACRES IRRIGATION
NW ¼ SE ¼	30.0	ACRES IRRIGATION
NE ¼ SE ¼	14.0	LIVESTOCK

SECTION 25
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **684**
Allottee claim

Current Claimant(s) of Record:

Lawrence Hall
PO Box 552
Fort Klamath, OR 97626

Original Claimant(s):

Lawrence Hall

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 1.7 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 0.4 acres.

4. The claimed period of use is March 1 through October 16 for irrigation.

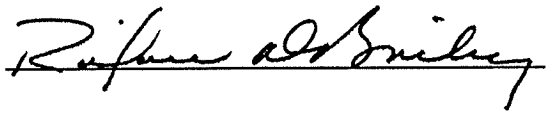
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **685**
Allottee claim

Current Claimant(s) of Record:

Stephen Hess
Melissa Hess
PO Box 111
Beatty, OR 97621

Original Claimant(s):

Stephen Hess
Melissa Hess

The general location of the claimed use is Township 36 South, Range 11 East and Township 36 South, Range 12 East W.M.

This preliminary evaluation takes into consideration all information available as of August 18, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 3078.1 acre-feet from points of diversion located on an unnamed spring, Whiskey Creek, and Sprague River, for irrigation of 608.2 acres, 400 head of cattle, and 147.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. Except for the lands in Township 36 South, Range 11 East, the property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system from the Sprague River has the capacity to deliver 3.01 cfs. The existing delivery system from Whiskey Creek has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 7, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 350.1 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.01 cubic feet per second, measured at the point of diversion, for irrigation and livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	NE ¼ SW ¼	35.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ SW ¼	40.7	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	5.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 7
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1	NE ¼ NE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NE ¼	8.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	18.2	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NW ¼ NW ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	13.2	ACRES IRRIGATION AND LIVESTOCK

LOT 13 SW ¼ NW ¼ 14.6 ACRES IRRIGATION AND LIVESTOCK
LOT 11 SE ¼ NW ¼ 15.7 ACRES IRRIGATION AND LIVESTOCK
LOT 14 SE ¼ NW ¼ 11.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 18
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 7 NW ¼ NE ¼, Section 18, Township 36 South, Range 12 East, W.M.

SOURCE: Unnamed Spring

USE: irrigation of 0.5 acres. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion, for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

Lot 7 NW ¼ NE ¼ 0.5 ACRES IRRIGATION
SECTION 18
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 10 SW ¼ NE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 117.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.93 cubic feet per second, measured at the point of diversion, for irrigation and livestock.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK
LOT 8 NE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK
LOT 9 SE ¼ NE ¼ 16.3 ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK
LOT 17 NE ¼ SE ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK
LOT 24 NE ¼ SE ¼ 13.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 12 SW ¼ NW ¼ 4.5 ACRES IRRIGATION AND LIVESTOCK
LOT 13 SW ¼ NW ¼ 6.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 18
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: None

SOURCE: Sprague River, tributary to Williamson River

USE: livestock use. This does not include any practicably irrigable acreage.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼ LIVESTOCK
LOT 18 NW ¼ SE ¼ LIVESTOCK
LOT 23 NW ¼ SE ¼ LIVESTOCK
LOT 26 SW ¼ SE ¼ LIVESTOCK
SECTION 12
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from all sources, measured at the point of diversion if applicable.

11. The lands in Sections 12 & 13, of Township 36 South, Range 11 East, were out of Indian ownership for more than 5 consecutive years. These lands are being considered as *Walton* lands.

a. The land in section 12 left Indian ownership on September 20, 1957.

b. The land in sections 13 left Indian ownership on September 3, 1963.

c. The development in sections 12 and 13 began sometime after November 9, 1962.

d. Development in section 12 began more than 5 years after the lands passed from Indian to non-Indian ownership. These lands were not diligently developed. These lands are not included in the listing above.

e. Development of the land in section 13 began before the lands left Indian ownership, and were diligently developed following the transfer. These lands are included in the listing above.

PRACTICABLY IRRIGABLE ACREAGE

12. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

13. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

14. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **686**
Allottee Claim

Current Claimant(s) of Record:

Stephen Hess
Melissa Hess
PO Box 111
Beatty OR 97621

Original Claimant(s):

Stephen Hess
Melissa Hess

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **687**
Allottee Claim

Current Claimant(s) of Record:

Stephen Hess
Melissa Hess
PO Box 111
Beatty OR 97621

Original Claimant(s):

Stephen Hess
Melissa Hess

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **688**
Allottee claim

Current Claimant(s) of Record:

Leroy Hicks
Representative of Harry Clarkson
PO Box 551
Chiloquin, OR 97624

Original Claimant(s):

Leroy Hicks

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 123.6 acre-feet from one point of diversion located on Sprague River, for irrigation of 11.4 acres, 6 head of cattle, and 24.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 11.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.29 cubic feet per second, measured at the point of diversion, for irrigation.

72 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 25 SE ¼ SE ¼ 5.2 ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼ 6.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **689**
Allottee claim

Current Claimant(s) of Record:

Leroy Hicks
Representative of Harry Clarkson
PO Box 551
Chiloquin, OR 97624

Original Claimant(s):

Leroy Hicks

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 677.1 acre-feet from points of diversion located on Hog Creek, for 180 head of cattle, and 217.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No point of diversion exists. Livestock have direct access to the creek.

    SOURCE: Hog Creek, tributary to Williamson River

    USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2160 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	LIVESTOCK
NW ¼ SW ¼	LIVESTOCK
SE ¼ SW ¼	LIVESTOCK
SW ¼ SE ¼	LIVESTOCK

SECTION 27
TOWNSHIP 32 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	LIVESTOCK

SECTION 34
TOWNSHIP 32 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **690**
Allottee claim

Current Claimant(s) of Record:

Jerry A. Parrish
Ernestine S. Kirk
PO Box 181
Beatty, OR 97621

Original Claimant(s):

Jerry Parrish
Ernestine S. Kirk

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **691**
Allottee claim

Current Claimant(s) of Record:

Jerry A. Parrish
Ernestine S. Kirk
PO Box 181
Beatty, OR 97621

Original Claimant(s):

Jerry Parrish

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 607.1 acre-feet from points of diversion located on Sprague River, for irrigation of 108.0 acres, 12 head of cattle, and 46.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The delivery system will not deliver the quantity of water being claimed.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: LOT 30, SE ¼ SW ¼, Section 8, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary Williamson River.

USE: irrigation of 51.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.9 cubic feet per second for irrigation. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
LOT 24 NE ¼ SE ¼	16.1	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ SE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼	3.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion point exists; natural overflow.

SOURCE: Sprague River, tributary Williamson River

USE: irrigation of 56.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.41 cubic feet per second for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 26 SW ¼ SE ¼	11.3	ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼	14.2	ACRES IRRIGATION AND LIVESTOCK
LOT 25 SE ¼ SE ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼	17.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 144 gallons per day from all sources, measured at the point of diversion if applicable.

PRACTICABLY IRRIGABLE ACREAGE

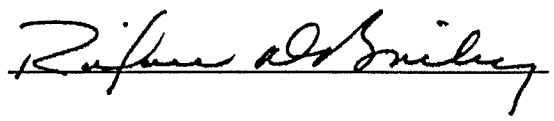
11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **692**
Allottee claim

Current Claimant(s) of Record:

Jerry A. Parrish
Ernestine S. Kirk
PO Box 181
Beatty, OR 97621

Original Claimant(s):

Jerry Parrish
Ernestine S. Kirk

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 117.8 acre-feet from one point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 38.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **693**
Allottee claim

Current Claimant(s) of Record:

Jess Kirk, Jr.
Beatty OR 97621

Original Claimant(s):

Jess Kirk, Jr.

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on September 3, 1991.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **694**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
Orin Kirk
PO Box 313
Chiloquin, OR 97624

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 306.0 acre-feet from points of diversion located on Williamson River, for irrigation of 98.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **695**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
Orin Kirk
PO Box 313
Chiloquin, OR 97624

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 55.1 acre-feet from one point of diversion located on Agency Creek, tributary to Crooked Creek for irrigation of 17.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **696**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
Orin Kirk
PO Box 313
Chiloquin, OR 97624

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 279.3 acre-feet from one point of diversion located on Crooked Creek, for irrigation of 93.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.

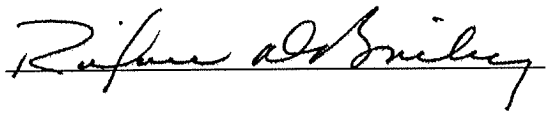
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **698**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
PO Box 313
Chiloquin OR 97624

Original Claimant(s):

Vina Kirk

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.

2. The claim was withdrawn on November 2, 1992.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **699**
Allottee claim

Current Claimant(s) of Record:

Kenneth Knight
Estate of Louis Knight
5726 Harlan Drive
Klamath Falls, OR 97603

Original Claimant(s):

Kenneth Knight

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 179.7 acre-feet from points of diversion located on Williamson River, for 8 head of cattle, and 57.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. An engineer preformed an inspection of the lands and the uses as claimed.

8. No diversion or delivery system exists; livestock have direct access to the river.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists; livestock have direct access to the river.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 96 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 26 SW ¼ SW ¼	LIVESTOCK
SECTION 3	
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.	
LOT 20 NE ¼ SE ¼	LIVESTOCK
LOT 27 NE ¼ SE ¼	LIVESTOCK
LOT 30 SE ¼ SE ¼	LIVESTOCK
LOT 37 SE ¼ SE ¼	LIVESTOCK
SECTION 4	
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.	
LOT 1 NW ¼ NW ¼	LIVESTOCK
SECTION 10	
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.	

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **700**
Allottee claim

Current Claimant(s) of Record:

Karen Ray
William Ray
HC-30 Box 109
Chiloquin, OR 97624

Original Claimant(s):

Karen Ray
William Ray

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 346.2 acre-feet from one point of diversion located on Sprague River, for irrigation of 80.0 acres, and 160 head of livestock.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 80.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.0 cubic feet per second, measured at the point of diversion, for irrigation.

1920 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. The period of use for livestock watering is shorter than was claimed. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 24 NE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **701**
Allottee claim

Current Claimant(s) of Record:

Jennie Sabin
3356 Shasta Way
Klamath Falls, OR 97601

Original Claimant(s):

Jennie Sabin

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 702.1 acre-feet from points of diversion located on Mill Creek and Poinina Creek, tributary to Snake Creek, for 25 head of cattle, and 225.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. No developed delivery system exists.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: No point of diversion exists. Livestock have direct access to the creeks.

    SOURCE: Mill Creek and Poinina Creek, tributary to Snake Creek

    USE: livestock use. This does not include any practicably irrigable acreage.

    AMOUNT ACTUALLY BENEFICIALLY USED: 300 gallons per day for livestock. Livestock drink directly from Mill Creek and Poinina Creek.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NE ¼ LIVESTOCK
SW ¼ NE ¼ LIVESTOCK
SE ¼ NE ¼ LIVESTOCK
SE ¼ NW ¼ LIVESTOCK
NW ¼ SE ¼ LIVESTOCK
LOT 2 SW ¼ NW ¼ LIVESTOCK
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **702**
Allottee claim

Current Claimant(s) of Record:

Mary Sheppard
HC-30 Box 78-A
Chiloquin, OR 97624

Original Claimant(s):

Mary Sheppard

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.

3. The claim is for a total of 332.9 acre-feet from one point of diversion located on Sprague River, for irrigation of 77.2 acres, and 70 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:

   a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

   b. The claimant is a Klamath Indian.

   c. The land is arable.

   d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.

8. The existing delivery system has the capacity to deliver the claimed amount.

9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   For livestock: RATE: 12 gpd/head SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

    POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

    SOURCE: Sprague River, tributary to Williamson River

    USE: irrigation of 77.2 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.93 cubic feet per second, measured at the point of diversion, for irrigation.

840 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 19	NE ¼ SW ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 22	NE ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
LOT 27	SE ¼ SW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼	19.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **705**
Allottee claim

Current Claimant(s) of Record:

Mary Nan Reyes
24461 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Mary Nan Reyes

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 27, 1991.

3. The claim is for a total of 8.5 acre-feet from Upper Klamath Lake or the Sprague River via Modoc Point Irrigation District, for irrigation of 2.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **706**
Allottee claim

Current Claimant(s) of Record:

Mary Nan Reyes
24461 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Mary Nan Reyes

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 27, 1991.

3. The claim is for a total of 3.2 acre-feet from Upper Klamath Lake or the Sprague River via Modoc Point Irrigation District, for irrigation of 1.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **707**
Allottee claim

Current Claimant(s) of Record:

Mary Nan Reyes
24461 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Mary Nan Reyes

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:

   a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.

   b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.

   c. The claimant must be a Klamath Indian.

   d. The land must be arable.

   e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.

   f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 27, 1991.

3. The claim is for a total of 15.9 acre-feet from the Sprague River, for irrigation of 5.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

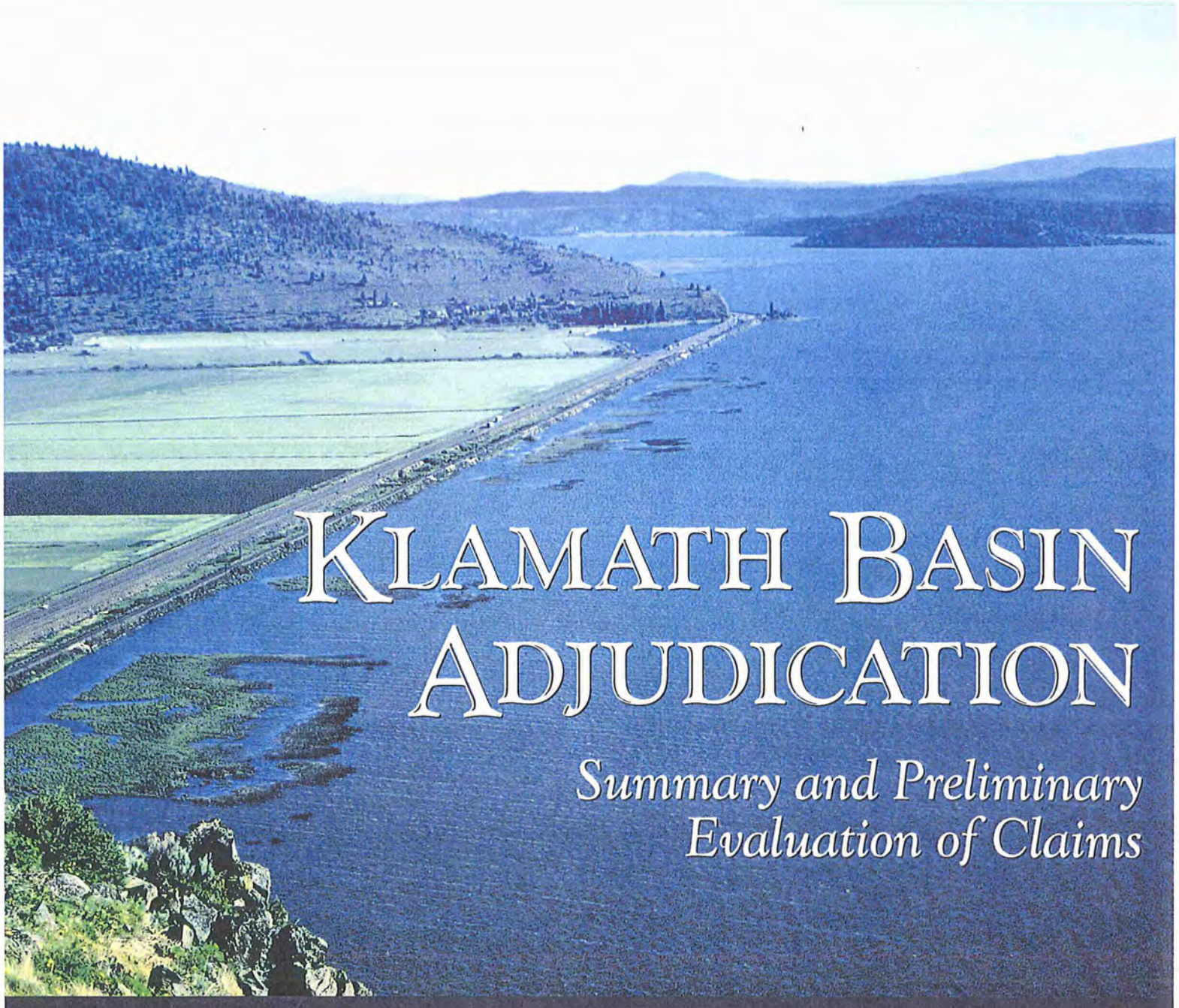
6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication



KLAMATH BASIN ADJUDICATION

Summary and Preliminary Evaluation of Claims

Prepared by the Oregon Water Resources Department — October 1999

KBA_APP_134947

> water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and *beneficial use shall be the basis, the measure, and the limit of the right.*"

Act of June 17, 1902, ch. 1093, § 8, 32 Stat. 388, 390, (current version at 43 USC § 372 (1994)) (emphasis added).

The filing was also authorized by General Laws of Oregon 1905, Chapter 288, section 2, which provided in part that:

> "Whenever the proper officers of the United States, authorized by law to construct works for the utilization of water within this State, shall file in the office of the State Engineer a written notice that the United States intends to utilize certain specified waters, the waters described in such notice * * * shall be deemed to have been appropriated by the United States; *provided,* that within a period of three years from the date of filing such notice the proper officer of the United States shall file final plans of the proposed works in the office of the State Engineer for his information; *and provided further* that within four years from the date of such notice the United States shall authorize construction of such proposed work." * * *

Analysis

In a 1950 opinion, this office addressed the extent of the United States' rights under the 1905 filing. *See* 25 Op Atty Gen 62 (1950). At that time, the State Engineer had received a number of requests for permits to use the water of the Klamath River. The State Engineer asked whether there was any water available for further appropriation or whether the United States was entitled to "all" the water in the basin.

The Attorney General noted that under both state and federal law, the United States' water rights were subject to the common law principles of beneficial use. Under these principles, water use under a filing is limited by the size of the project that was intended when the filing was made and the amount of acreage that was subsequently diligently developed. The Attorney General concluded that the legislature, in enacting the 1905 statute, did not intend to abrogate these common law principles relating to water rights. The Attorney General stated:

> "No contention is raised as to the right of the United States to file upon a specific amount of water that may be necessary in carrying out the project, nor is it contended that such a project should be completed within a certain period of time. **The only conditions to be imposed are an intention to apply the water beneficially and the completion of the such project within a reasonable time,** such reasonable time depending upon the size of the project and the work involved."

25 Op Atty Gen at 64 (emphasis added).

With respect to the original intent of the United States to use the waters in the Klamath River the Attorney General stated:

> "[At] the time of filing * * * there must be an intention to apply the water to beneficial use and make application thereof within a reasonable time. **The notice and map filed pursuant to [General Laws of Oregon 1905, chapter 288], mark the limit of the proposed enterprise and determine the amount of water required for such project.**"

25 Op Atty Gen at 65 (emphasis added).

The Attorney General stated that although the notice filed by the United States claimed "all" of the water, the notice must be read in the context of the plan filed by the United States:

> "The use of the word 'all' as appears in the notice, under any reasonable construction, could only mean that water which is reasonably necessary and can be beneficially applied to the proposed project. * * * The plans mark the limit of the area upon which the water is to be used."

Id.

The extent of development the United States completed within a reasonable period of time is a question of fact for the Department to make in its findings and order of determination. That determination is dependent, in part, on the size of the project and the scope of the work involved. With respect to that question, the Attorney General noted in 1950 that forty years had passed since the United States had made its original filing and that the State Engineer *could* find that the "reasonable period" for development of he noticed project had expired by November, 1950.

We are not aware of any court opinions since 1950 that would call into question the Attorney General's conclusions in the 1950 opinion. Therefore we conclude that the United States is entitled to the amount of water that is necessary to develop the project described by the United States when it filed its 1905 notice and plan, and that was subsequently developed within a reasonable period of time, with a priority date of May 19, 1905.[1]

MRR:tjh:ejt:rws/GEN21746

[1] The Klamath Project may also encompass land having appurtenant water rights with a priority date earlier than 1905, by reason of an earlier appropriation.

KBA_APP_134951

KBA_APP_134952

KBA_APP_134953

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **293**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 3505.45 cubic feet per second from the entire drainage of the Klamath Basin in Oregon, constituting the entire drainage basins of the Klamath River and all of the lakes, streams, and rivers supplying water thereto or receiving water therefrom, including the following and all their tributaries; Upper Klamath Lake, Lower Klamath Lake, Tule or Rhett Lake, Little Klamath Lake, Lake Ewauna, Miller Lake, Dry Lake, Sprague River, Sycan River, Williamson River, Crooked River, Wood River, Link River, Seven Mile Creek, Klamath River, Three Mile Creek, Cherry Creek, Rock Creek, Four Mile Creek, and the slough or stream connecting Lower or Little Klamath Lake with Klamath River.

The claim is for: "The purposes for which water is used and claimed, as stated in the May, 19 1905 "Notice of Intention to Utilize all Waters of the Klamath Basin," are those provided for by the act of Congress approved June 17, 1902 (32 Stat. 388) known as the Reclamation Act, as amended and supplemented, including irrigation, reclamation, domestic and other authorized uses. In addition, if any of the lands identified in Item 7 (attached thereto) are not entitled to Project water, Reclamation would use the water for any authorized purpose."

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is May 19, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as approved in the place of use listing in Item 9 below.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the approved use in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

A Canal:	SW ¼ NE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
Moore Park:	NE ¼ SW ¼,	Section 30,	Township 38 South, Range 8 East, W.M.
Geary Bros:	SE ¼ SW ¼,	Section 31,	Township 37 South, Range 8 East, W.M.
Geary Bros:	SE ¼ SW ¼,	Section 6,	Township 38 South, Range 8 East, W.M.
Running Y:	SE ¼ SE ¼,	Section 29,	Township 37 South, Range 8 East, W.M.
Running Y:	NE ¼ NW ¼,	Section 32,	Township 37 South, Range 8 East,W.M.
Running Y:	SE ¼ NW ¼,	Section 7,	Township 38 South, Range 8 East, W.M.
Schildmeyer:	NE ¼ NE ¼,	Section 25,	Township 37 South, Range 8 East, W.M.
Schildmeyer:	SE ¼ NE ¼,	Section 25,	Township 37 South, Range 8 East, W.M.

Schildmeyer:	NE ¼ NE ¼,	Section 13,	Township 37 South, Range 8 East, W.M.
Horton:	SW ¼ NE ¼,	Section 25,	Township 37 South, Range 8 East, W.M.
Horton:	NE ¼ SE ¼,	Section 25,	Township 38 South, Range 8 East, W.M.
Reams:	SE ¼ NE ¼,	Section 18,	Township 39 South, Range 9 East, W.M.
Miller Island:	NW ¼ NE ¼,	Section 19,	Township 39 South, Range 9 East, W.M.
Miller Island:	NE ¼ NW ¼,	Section 19,	Township 39 South, Range 9 East, W.M.
Miller Island:	NE ¼ NE ¼,	Section 24,	Township 39 South, Range 8 East, W.M.
Miller Island:	SW ¼ NE ¼,	Section 24,	Township 39 South, Range 8 East, W.M.
Miller Island:	SE ¼ NE ¼,	Section 24,	Township 39 South, Range 8 East, W.M.
Miller Island:	NE ¼ SE ¼,	Section 23,	Township 39 South, Range 8 East, W.M.
Miller Island:	SW ¼ NE ¼,	Section 26,	Township 39 South, Range 8 East, W.M.
Plevna:	SE ¼ SW ¼,	Section 18,	Township 39 South, Range 9 East, W.M.
Plevna:	NE ¼ SE ¼,	Section 23,	Township 39 South, Range 8 East, W.M.
Plevna:	SE ¼ SE ¼,	Section 23,	Township 39 South, Range 8 East, W.M.
Plevna:	SE ¼ NW ¼,	Section 26,	Township 39 South, Range 9 East, W.M.
Pioneer:	NE ¼ NE ¼,	Section 34,	Township 39 South, Range 8 East, W.M.
Pioneer:	SE ¼ NW ¼,	Section 5,	Township 40 South, Range 8 East, W.M.
North Canal:	NE ¼ NW ¼,	Section 2,	Township 40 South, Range 8 East, W.M.
Ady Canal:	NE ¼ NW ¼,	Section 15,	Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 149,227.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the quantity of water actually beneficially used.

PERIOD OF USE: March 1 - October 31 for irrigation. (The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

PRIORITY DATE: May 19, 1905

PLACE OF USE:

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
6	NESE	25	14.8	ACRES IRRIGATION	37	S	8	E
5	SENE	25	7.6	ACRES IRRIGATION	37	S	8	E
8	SESE	25	14	ACRES IRRIGATION	37	S	8	E
	SESE	29	1.1	ACRES IRRIGATION	37	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
1	NENE	31	0.9	ACRES IRRIGATION	37	S	8	E
	NESE	31	39.6	ACRES IRRIGATION	37	S	8	E
2	NESW	31	21	ACRES IRRIGATION	37	S	8	E
2	NWSE	31	35.9	ACRES IRRIGATION	37	S	8	E
1	SENE	31	37.5	ACRES IRRIGATION	37	S	8	E
1	SENW	31	2.8	ACRES IRRIGATION	37	S	8	E
	SESE	31	36.9	ACRES IRRIGATION	37	S	8	E
3	SESW	31	25.8	ACRES IRRIGATION	37	S	8	E
1	SWNE	31	22	ACRES IRRIGATION	37	S	8	E
3	SWSE	31	40	ACRES IRRIGATION	37	S	8	E
1	NENE	32	35.7	ACRES IRRIGATION	37	S	8	E
3	NENW	32	13.4	ACRES IRRIGATION	37	S	8	E
	NESE	32	38.3	ACRES IRRIGATION	37	S	8	E
	NESW	32	38.8	ACRES IRRIGATION	37	S	8	E
2	NWNE	32	25	ACRES IRRIGATION	37	S	8	E
4	NWNW	32	8	ACRES IRRIGATION	37	S	8	E
	NWSE	32	39.1	ACRES IRRIGATION	37	S	8	E
	NWSW	32	40	ACRES IRRIGATION	37	S	8	E
	SENE	32	38.4	ACRES IRRIGATION	37	S	8	E
	SENW	32	37.9	ACRES IRRIGATION	37	S	8	E
	SESE	32	40	ACRES IRRIGATION	37	S	8	E
	SESW	32	40	ACRES IRRIGATION	37	S	8	E
	SWNE	32	40	ACRES IRRIGATION	37	S	8	E
4	SWNW	32	40	ACRES IRRIGATION	37	S	8	E
	SWSE	32	37.9	ACRES IRRIGATION	37	S	8	E
	SWSW	32	40	ACRES IRRIGATION	37	S	8	E
6	NESW	33	8.4	ACRES IRRIGATION	37	S	8	E
8	NWNW	33	9.5	ACRES IRRIGATION	37	S	8	E
	NWSW	33	38.6	ACRES IRRIGATION	37	S	8	E
5	SESW	33	36.9	ACRES IRRIGATION	37	S	8	E
7	SWNW	33	27.3	ACRES IRRIGATION	37	S	8	E
5	SWSE	33	4	ACRES IRRIGATION	37	S	8	E
	SWSW	33	38.7	ACRES IRRIGATION	37	S	8	E
1	NENE	36	12	ACRES IRRIGATION	37	S	8	E
3	NESE	36	8.4	ACRES IRRIGATION	37	S	8	E
2	SENE	36	10.2	ACRES IRRIGATION	37	S	8	E
4	SESE	36	1.1	ACRES IRRIGATION	37	S	8	E
	NESE	7	25.1	ACRES IRRIGATION	37	S	9	E
	SENE	7	1.6	ACRES IRRIGATION	37	S	9	E
	SESE	7	39.8	ACRES IRRIGATION	37	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	7	33.1	ACRES IRRIGATION	37	S	9	E
	SWSW	8	12.4	ACRES IRRIGATION	37	S	9	E
	NWNW	17	12.7	ACRES IRRIGATION	37	S	9	E
	NENE	18	40	ACRES IRRIGATION	37	S	9	E
	NWNE	18	40	ACRES IRRIGATION	37	S	9	E
6	NWSW	30	40.1	ACRES IRRIGATION	37	S	9	E
8	SESW	30	11.4	ACRES IRRIGATION	37	S	9	E
7	SWSW	30	49.7	ACRES IRRIGATION	37	S	9	E
8	NENW	31	31.6	ACRES IRRIGATION	37	S	9	E
4	NESW	31	0.7	ACRES IRRIGATION	37	S	9	E
7	NWNE	31	2.8	ACRES IRRIGATION	37	S	9	E
9	NWNW	31	50.9	ACRES IRRIGATION	37	S	9	E
13	NWSW	31	21.8	ACRES IRRIGATION	37	S	9	E
11	SENW	31	47.2	ACRES IRRIGATION	37	S	9	E
2	SWNE	31	3.1	ACRES IRRIGATION	37	S	9	E
12	SWNE	31	9.5	ACRES IRRIGATION	37	S	9	E
10	SWNW	31	44	ACRES IRRIGATION	37	S	9	E
9	SESW	1	23.2	ACRES IRRIGATION	38	S	8	E
	NENW	4	40	ACRES IRRIGATION	38	S	8	E
12	NESE	4	1.4	ACRES IRRIGATION	38	S	8	E
11	NESW	4	14.9	ACRES IRRIGATION	38	S	8	E
1	NWNE	4	1.7	ACRES IRRIGATION	38	S	8	E
14	NWNE	4	29	ACRES IRRIGATION	38	S	8	E
	NWNW	4	39.5	ACRES IRRIGATION	38	S	8	E
3	NWSE	4	0.7	ACRES IRRIGATION	38	S	8	E
12	NWSE	4	23.9	ACRES IRRIGATION	38	S	8	E
10	NWSW	4	2	ACRES IRRIGATION	38	S	8	E
	SENW	4	39.9	ACRES IRRIGATION	38	S	8	E
2	SWNE	4	0.5	ACRES IRRIGATION	38	S	8	E
13	SWNE	4	31.5	ACRES IRRIGATION	38	S	8	E
	SWNW	4	39.5	ACRES IRRIGATION	38	S	8	E
15	SWSW	4	20.8	ACRES IRRIGATION	38	S	8	E
	NENE	5	40	ACRES IRRIGATION	38	S	8	E
	NENW	5	40	ACRES IRRIGATION	38	S	8	E
	NESE	5	21.7	ACRES IRRIGATION	38	S	8	E
1	NESW	5	0.8	ACRES IRRIGATION	38	S	8	E
	NESW	5	33.5	ACRES IRRIGATION	38	S	8	E
	NWNE	5	38	ACRES IRRIGATION	38	S	8	E
	NWNW	5	38.5	ACRES IRRIGATION	38	S	8	E
	NWSE	5	37	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSW	5	40	ACRES IRRIGATION	38	S	8	E
	SENE	5	35	ACRES IRRIGATION	38	S	8	E
	SENW	5	39.8	ACRES IRRIGATION	38	S	8	E
3	SESE	5	48.9	ACRES IRRIGATION	38	S	8	E
4	SESW	5	1.8	ACRES IRRIGATION	38	S	8	E
	SWNE	5	38	ACRES IRRIGATION	38	S	8	E
	SWNW	5	35.4	ACRES IRRIGATION	38	S	8	E
2	SWSE	5	1.9	ACRES IRRIGATION	38	S	8	E
4	SWSW	5	36.2	ACRES IRRIGATION	38	S	8	E
	NENE	6	37.8	ACRES IRRIGATION	38	S	8	E
9	NENW	6	38	ACRES IRRIGATION	38	S	8	E
	NESE	6	40	ACRES IRRIGATION	38	S	8	E
3	NESW	6	5.7	ACRES IRRIGATION	38	S	8	E
6	NESW	6	22	ACRES IRRIGATION	38	S	8	E
	NWNE	6	40	ACRES IRRIGATION	38	S	8	E
8	NWNW	6	1.3	ACRES IRRIGATION	38	S	8	E
	NWSE	6	40	ACRES IRRIGATION	38	S	8	E
	SENE	6	37.4	ACRES IRRIGATION	38	S	8	E
2	SENW	6	1	ACRES IRRIGATION	38	S	8	E
7	SENW	6	35.4	ACRES IRRIGATION	38	S	8	E
	SESE	6	40	ACRES IRRIGATION	38	S	8	E
5	SESW	6	7.4	ACRES IRRIGATION	38	S	8	E
	SWNE	6	37.4	ACRES IRRIGATION	38	S	8	E
2	SWNW	6	0.6	ACRES IRRIGATION	38	S	8	E
7	SWNW	6	1.4	ACRES IRRIGATION	38	S	8	E
	SWSE	6	37	ACRES IRRIGATION	38	S	8	E
1	NENE	7	0.5	ACRES IRRIGATION	38	S	8	E
13	NENE	7	20.7	ACRES IRRIGATION	38	S	8	E
11	NENW	7	19.4	ACRES IRRIGATION	38	S	8	E
3	NESE	7	1.5	ACRES IRRIGATION	38	S	8	E
5	NESW	7	8.4	ACRES IRRIGATION	38	S	8	E
9	NESW	7	31.6	ACRES IRRIGATION	38	S	8	E
12	NWNE	7	36.1	ACRES IRRIGATION	38	S	8	E
14	NWSE	7	55.8	ACRES IRRIGATION	38	S	8	E
9	NWSW	7	0.5	ACRES IRRIGATION	38	S	8	E
6	NWSW	7	14	ACRES IRRIGATION	38	S	8	E
5	SENW	7	10.4	ACRES IRRIGATION	38	S	8	E
10	SENW	7	18	ACRES IRRIGATION	38	S	8	E
	SESE	7	39.1	ACRES IRRIGATION	38	S	8	E
8	SESW	7	32.4	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
12	SWNE	7	4.3	ACRES IRRIGATION	38	S	8	E
	SWNW	7	1.4	ACRES IRRIGATION	38	S	8	E
	SWSE	7	40	ACRES IRRIGATION	38	S	8	E
8	SWSW	7	0.5	ACRES IRRIGATION	38	S	8	E
12	NENE	8	2.6	ACRES IRRIGATION	38	S	8	E
11	NWNW	8	2.3	ACRES IRRIGATION	38	S	8	E
3	NWSW	8	1.4	ACRES IRRIGATION	38	S	8	E
6	SESE	8	1.5	ACRES IRRIGATION	38	S	8	E
7	SESE	8	26	ACRES IRRIGATION	38	S	8	E
4	SESW	8	1.6	ACRES IRRIGATION	38	S	8	E
9	SESW	8	34.8	ACRES IRRIGATION	38	S	8	E
5	SWSE	8	2.3	ACRES IRRIGATION	38	S	8	E
8	SWSE	8	29.6	ACRES IRRIGATION	38	S	8	E
10	SWSW	8	50	ACRES IRRIGATION	38	S	8	E
1	NENW	9	6.2	ACRES IRRIGATION	38	S	8	E
9	NENW	9	19.2	ACRES IRRIGATION	38	S	8	E
8	NWNW	9	34.2	ACRES IRRIGATION	38	S	8	E
10	SENW	9	6.4	ACRES IRRIGATION	38	S	8	E
2	SENW	9	7.4	ACRES IRRIGATION	38	S	8	E
6	SESW	9	9.3	ACRES IRRIGATION	38	S	8	E
8	SWNW	9	3.9	ACRES IRRIGATION	38	S	8	E
7	SWSW	9	25.4	ACRES IRRIGATION	38	S	8	E
	NESW	14	7.6	ACRES IRRIGATION	38	S	8	E
5	NESW	14	20	ACRES IRRIGATION	38	S	8	E
1	NWNW	14	1.4	ACRES IRRIGATION	38	S	8	E
	NWSW	14	40	ACRES IRRIGATION	38	S	8	E
	SENW	14	1.7	ACRES IRRIGATION	38	S	8	E
4	SENW	14	3.9	ACRES IRRIGATION	38	S	8	E
6	SESW	14	36.8	ACRES IRRIGATION	38	S	8	E
2	SWNW	14	13.5	ACRES IRRIGATION	38	S	8	E
3	SWNW	14	22.6	ACRES IRRIGATION	38	S	8	E
	SWSE	14	1.5	ACRES IRRIGATION	38	S	8	E
	SWSW	14	40	ACRES IRRIGATION	38	S	8	E
	NENE	15	4	ACRES IRRIGATION	38	S	8	E
	NESE	15	40	ACRES IRRIGATION	38	S	8	E
3	NESW	15	2.5	ACRES IRRIGATION	38	S	8	E
2	NWSE	15	2.4	ACRES IRRIGATION	38	S	8	E
7	NWSE	15	16.2	ACRES IRRIGATION	38	S	8	E
6	SENE	15	7	ACRES IRRIGATION	38	S	8	E
1	SENE	15	31.9	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
5	SESE	15	1.5	ACRES IRRIGATION	38	S	8	E
8	SESE	15	31.1	ACRES IRRIGATION	38	S	8	E
10	SESW	15	44.4	ACRES IRRIGATION	38	S	8	E
	SWNE	15	5.7	ACRES IRRIGATION	38	S	8	E
8	SWSE	15	0.4	ACRES IRRIGATION	38	S	8	E
11	SWSE	15	14.9	ACRES IRRIGATION	38	S	8	E
9	SWSW	15	12	ACRES IRRIGATION	38	S	8	E
6	NENW	16	38.9	ACRES IRRIGATION	38	S	8	E
4	NESE	16	13.5	ACRES IRRIGATION	38	S	8	E
	NESW	16	40	ACRES IRRIGATION	38	S	8	E
6	NWNE	16	10.2	ACRES IRRIGATION	38	S	8	E
	NWNW	16	40	ACRES IRRIGATION	38	S	8	E
	NWSE	16	39	ACRES IRRIGATION	38	S	8	E
	NWSW	16	40	ACRES IRRIGATION	38	S	8	E
	SENW	16	40	ACRES IRRIGATION	38	S	8	E
	SESE	16	38.5	ACRES IRRIGATION	38	S	8	E
	SESW	16	40	ACRES IRRIGATION	38	S	8	E
5	SWNE	16	30.1	ACRES IRRIGATION	38	S	8	E
	SWNW	16	40	ACRES IRRIGATION	38	S	8	E
	SWSE	16	39	ACRES IRRIGATION	38	S	8	E
	SWSW	16	40	ACRES IRRIGATION	38	S	8	E
	NENE	17	40	ACRES IRRIGATION	38	S	8	E
	NENW	17	40	ACRES IRRIGATION	38	S	8	E
	NESE	17	40	ACRES IRRIGATION	38	S	8	E
	NESW	17	40	ACRES IRRIGATION	38	S	8	E
	NWNE	17	40	ACRES IRRIGATION	38	S	8	E
	NWNW	17	40	ACRES IRRIGATION	38	S	8	E
	NWSE	17	40	ACRES IRRIGATION	38	S	8	E
	NWSW	17	40	ACRES IRRIGATION	38	S	8	E
	SENE	17	40	ACRES IRRIGATION	38	S	8	E
	SENW	17	40	ACRES IRRIGATION	38	S	8	E
	SESE	17	40	ACRES IRRIGATION	38	S	8	E
	SESW	17	39	ACRES IRRIGATION	38	S	8	E
	SWNE	17	40	ACRES IRRIGATION	38	S	8	E
	SWNW	17	40	ACRES IRRIGATION	38	S	8	E
	SWSE	17	40	ACRES IRRIGATION	38	S	8	E
	SWSW	17	34.3	ACRES IRRIGATION	38	S	8	E
	NENE	18	40	ACRES IRRIGATION	38	S	8	E
8	NENW	18	5.2	ACRES IRRIGATION	38	S	8	E
	NESE	18	38.2	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNE	18	39.4	ACRES IRRIGATION	38	S	8	E
6	NWSE	18	7.5	ACRES IRRIGATION	38	S	8	E
	SENE	18	40	ACRES IRRIGATION	38	S	8	E
5	SESE	18	9.7	ACRES IRRIGATION	38	S	8	E
7	SWNE	18	26.1	ACRES IRRIGATION	38	S	8	E
	NENE	20	37.5	ACRES IRRIGATION	38	S	8	E
	NENW	20	37.9	ACRES IRRIGATION	38	S	8	E
	NESE	20	38	ACRES IRRIGATION	38	S	8	E
8	NESW	20	14.4	ACRES IRRIGATION	38	S	8	E
	NWNE	20	37.5	ACRES IRRIGATION	38	S	8	E
10	NWNW	20	9.4	ACRES IRRIGATION	38	S	8	E
	NWSE	20	37.6	ACRES IRRIGATION	38	S	8	E
	SENE	20	40	ACRES IRRIGATION	38	S	8	E
9	SENW	20	30.2	ACRES IRRIGATION	38	S	8	E
6	SESE	20	36.2	ACRES IRRIGATION	38	S	8	E
	SWNE	20	40	ACRES IRRIGATION	38	S	8	E
6	SWSE	20	10.2	ACRES IRRIGATION	38	S	8	E
	NENE	21	37	ACRES IRRIGATION	38	S	8	E
	NENW	21	37.5	ACRES IRRIGATION	38	S	8	E
	NESE	21	37.5	ACRES IRRIGATION	38	S	8	E
	NESW	21	37.5	ACRES IRRIGATION	38	S	8	E
	NWNE	21	37	ACRES IRRIGATION	38	S	8	E
	NWNW	21	37.5	ACRES IRRIGATION	38	S	8	E
	NWSE	21	37	ACRES IRRIGATION	38	S	8	E
	NWSW	21	37.5	ACRES IRRIGATION	38	S	8	E
	SENE	21	39	ACRES IRRIGATION	38	S	8	E
	SENW	21	40	ACRES IRRIGATION	38	S	8	E
	SESE	21	40	ACRES IRRIGATION	38	S	8	E
	SESW	21	40	ACRES IRRIGATION	38	S	8	E
	SWNE	21	39	ACRES IRRIGATION	38	S	8	E
	SWNW	21	40	ACRES IRRIGATION	38	S	8	E
	SWSE	21	40	ACRES IRRIGATION	38	S	8	E
	SWSW	21	40	ACRES IRRIGATION	38	S	8	E
9	NENE	22	1.3	ACRES IRRIGATION	38	S	8	E
8	NENE	22	4.1	ACRES IRRIGATION	38	S	8	E
	NENW	22	32.3	ACRES IRRIGATION	38	S	8	E
6	NESE	22	0.9	ACRES IRRIGATION	38	S	8	E
	NESW	22	37.2	ACRES IRRIGATION	38	S	8	E
8	NWNE	22	31.8	ACRES IRRIGATION	38	S	8	E
	NWNW	22	18	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
6	NWSE	22	23.6	ACRES IRRIGATION	38	S	8	E
	NWSW	22	37.4	ACRES IRRIGATION	38	S	8	E
7	SENE	22	12.2	ACRES IRRIGATION	38	S	8	E
	SENW	22	35	ACRES IRRIGATION	38	S	8	E
	SESW	22	40	ACRES IRRIGATION	38	S	8	E
	SWNE	22	37.6	ACRES IRRIGATION	38	S	8	E
	SWNW	22	32.9	ACRES IRRIGATION	38	S	8	E
5	SWSE	22	18.5	ACRES IRRIGATION	38	S	8	E
	SWSW	22	40	ACRES IRRIGATION	38	S	8	E
	NENW	23	40	ACRES IRRIGATION	38	S	8	E
2	NESW	23	1.2	ACRES IRRIGATION	38	S	8	E
8	NWNE	23	13.1	ACRES IRRIGATION	38	S	8	E
9	NWNW	23	34.4	ACRES IRRIGATION	38	S	8	E
10	SENW	23	39.7	ACRES IRRIGATION	38	S	8	E
7	SWNE	23	9.6	ACRES IRRIGATION	38	S	8	E
1	SWNW	23	2.4	ACRES IRRIGATION	38	S	8	E
9	SWNW	23	24.9	ACRES IRRIGATION	38	S	8	E
6	NESE	25	12.1	ACRES IRRIGATION	38	S	8	E
8	NESW	25	1.7	ACRES IRRIGATION	38	S	8	E
7	NWSE	25	17.3	ACRES IRRIGATION	38	S	8	E
12	SENE	25	4	ACRES IRRIGATION	38	S	8	E
9	SENW	25	1	ACRES IRRIGATION	38	S	8	E
10	SENW	25	2	ACRES IRRIGATION	38	S	8	E
11	SWNE	25	4.1	ACRES IRRIGATION	38	S	8	E
1	NENE	27	1.6	ACRES IRRIGATION	38	S	8	E
	NENW	27	40	ACRES IRRIGATION	38	S	8	E
	NESE	27	2.5	ACRES IRRIGATION	38	S	8	E
	NESW	27	38.4	ACRES IRRIGATION	38	S	8	E
1	NWNE	27	2.6	ACRES IRRIGATION	38	S	8	E
11	NWNE	27	29.8	ACRES IRRIGATION	38	S	8	E
	NWNW	27	40	ACRES IRRIGATION	38	S	8	E
3	NWSE	27	15.5	ACRES IRRIGATION	38	S	8	E
9	NWSE	27	19.6	ACRES IRRIGATION	38	S	8	E
	NWSW	27	37.2	ACRES IRRIGATION	38	S	8	E
2	SENE	27	3.6	ACRES IRRIGATION	38	S	8	E
	SENW	27	39	ACRES IRRIGATION	38	S	8	E
8	SESW	27	14	ACRES IRRIGATION	38	S	8	E
5	SESW	27	24.3	ACRES IRRIGATION	38	S	8	E
2	SWNE	27	9.4	ACRES IRRIGATION	38	S	8	E
10	SWNE	27	29	ACRES IRRIGATION	38	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNW	27	40	ACRES IRRIGATION	38	S	8	E
4	SWSE	27	14.9	ACRES IRRIGATION	38	S	8	E
6	SWSW	27	6.2	ACRES IRRIGATION	38	S	8	E
7	SWSW	27	31.5	ACRES IRRIGATION	38	S	8	E
	NENE	28	40	ACRES IRRIGATION	38	S	8	E
	NENW	28	40	ACRES IRRIGATION	38	S	8	E
5	NESE	28	24.8	ACRES IRRIGATION	38	S	8	E
	NWNE	28	40	ACRES IRRIGATION	38	S	8	E
8	NWNW	28	31.6	ACRES IRRIGATION	38	S	8	E
6	NWSE	28	1.5	ACRES IRRIGATION	38	S	8	E
	SENE	28	40	ACRES IRRIGATION	38	S	8	E
7	SENW	28	13	ACRES IRRIGATION	38	S	8	E
5	SESE	28	2.9	ACRES IRRIGATION	38	S	8	E
	SWNE	28	36.6	ACRES IRRIGATION	38	S	8	E
8	SWNW	28	0.4	ACRES IRRIGATION	38	S	8	E
8	NENE	29	4.4	ACRES IRRIGATION	38	S	8	E
	NENW	34	3.9	ACRES IRRIGATION	38	S	8	E
	NWNW	34	16.1	ACRES IRRIGATION	38	S	8	E
	SESW	22	1.9	ACRES IRRIGATION	38	S	9	E
	SWSE	22	4.1	ACRES IRRIGATION	38	S	9	E
	NWSW	26	13.6	ACRES IRRIGATION	38	S	9	E
	SWNW	26	0.2	ACRES IRRIGATION	38	S	9	E
	SWSW	26	13.5	ACRES IRRIGATION	38	S	9	E
	NENW	27	16.6	ACRES IRRIGATION	38	S	9	E
	NESE	27	21.3	ACRES IRRIGATION	38	S	9	E
	NESW	27	1.2	ACRES IRRIGATION	38	S	9	E
	NWNE	27	10.8	ACRES IRRIGATION	38	S	9	E
	NWNW	27	0.8	ACRES IRRIGATION	38	S	9	E
	SENW	27	18	ACRES IRRIGATION	38	S	9	E
	SESE	27	31.2	ACRES IRRIGATION	38	S	9	E
	SWNE	27	0.5	ACRES IRRIGATION	38	S	9	E
	SWNW	27	0.2	ACRES IRRIGATION	38	S	9	E
	NWSW	28	3.1	ACRES IRRIGATION	38	S	9	E
	SWNW	28	0.2	ACRES IRRIGATION	38	S	9	E
	SWSW	28	2.8	ACRES IRRIGATION	38	S	9	E
	NESE	29	2.7	ACRES IRRIGATION	38	S	9	E
	NWNW	29	2	ACRES IRRIGATION	38	S	9	E
	NWSE	29	17.2	ACRES IRRIGATION	38	S	9	E
	NWSW	29	5.6	ACRES IRRIGATION	38	S	9	E
	SENE	29	3.6	ACRES IRRIGATION	38	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	29	3	ACRES IRRIGATION	38	S	9	E
	SWNW	29	7.8	ACRES IRRIGATION	38	S	9	E
2	NESW	30	10.6	ACRES IRRIGATION	38	S	9	E
	SESW	30	9.2	ACRES IRRIGATION	38	S	9	E
	NENE	33	11	ACRES IRRIGATION	38	S	9	E
	NENE	34	32	ACRES IRRIGATION	38	S	9	E
	NESE	34	2.1	ACRES IRRIGATION	38	S	9	E
	NESW	34	1.8	ACRES IRRIGATION	38	S	9	E
	SENE	34	16.8	ACRES IRRIGATION	38	S	9	E
	SENW	34	0.2	ACRES IRRIGATION	38	S	9	E
	SESE	34	11	ACRES IRRIGATION	38	S	9	E
	SESW	34	2.3	ACRES IRRIGATION	38	S	9	E
	SWNW	34	1.1	ACRES IRRIGATION	38	S	9	E
	SWSE	34	2.5	ACRES IRRIGATION	38	S	9	E
	SWSW	34	1.5	ACRES IRRIGATION	38	S	9	E
	NESE	35	2.5	ACRES IRRIGATION	38	S	9	E
	NWSE	35	19.2	ACRES IRRIGATION	38	S	9	E
	SESE	35	2.1	ACRES IRRIGATION	38	S	9	E
	SESW	35	11.3	ACRES IRRIGATION	38	S	9	E
	SWNE	35	2.8	ACRES IRRIGATION	38	S	9	E
	SWNW	35	4.2	ACRES IRRIGATION	38	S	9	E
	SWSE	35	15.8	ACRES IRRIGATION	38	S	9	E
	SWSW	35	11	ACRES IRRIGATION	38	S	9	E
	NENW	13	8.3	ACRES IRRIGATION	39	S	8	E
	NESW	13	32.2	ACRES IRRIGATION	39	S	8	E
	NWNW	13	1.8	ACRES IRRIGATION	39	S	8	E
	NWSE	13	15.2	ACRES IRRIGATION	39	S	8	E
	NWSW	13	7.3	ACRES IRRIGATION	39	S	8	E
	SENW	13	27	ACRES IRRIGATION	39	S	8	E
	SWNE	13	14.8	ACRES IRRIGATION	39	S	8	E
	SWNW	13	1.7	ACRES IRRIGATION	39	S	8	E
	SWSW	13	7.9	ACRES IRRIGATION	39	S	8	E
	NESE	14	22.6	ACRES IRRIGATION	39	S	8	E
	SENE	14	0.9	ACRES IRRIGATION	39	S	8	E
	SESE	14	28.1	ACRES IRRIGATION	39	S	8	E
	SWSE	14	2.1	ACRES IRRIGATION	39	S	8	E
	NESE	22	2.3	ACRES IRRIGATION	39	S	8	E
	SESE	22	26.5	ACRES IRRIGATION	39	S	8	E
	SWSE	22	5.7	ACRES IRRIGATION	39	S	8	E
	NENE	23	39.7	ACRES IRRIGATION	39	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	NESE	23	0.1	ACRES IRRIGATION	39	S	8	E
2	NESE	23	27.1	ACRES IRRIGATION	39	S	8	E
	NESW	23	40	ACRES IRRIGATION	39	S	8	E
	NWNE	23	36.3	ACRES IRRIGATION	39	S	8	E
	NWSE	23	37.2	ACRES IRRIGATION	39	S	8	E
	NWSW	23	31.4	ACRES IRRIGATION	39	S	8	E
	SENE	23	38.6	ACRES IRRIGATION	39	S	8	E
	SENW	23	29.7	ACRES IRRIGATION	39	S	8	E
3	SESE	23	17.2	ACRES IRRIGATION	39	S	8	E
	SESW	23	38.9	ACRES IRRIGATION	39	S	8	E
	SWNE	23	40	ACRES IRRIGATION	39	S	8	E
	SWNW	23	0.2	ACRES IRRIGATION	39	S	8	E
	SWSW	23	40	ACRES IRRIGATION	39	S	8	E
	NESE	24	21.3	ACRES IRRIGATION	39	S	8	E
	NWNW	24	3.8	ACRES IRRIGATION	39	S	8	E
	NWSE	24	24.2	ACRES IRRIGATION	39	S	8	E
7	NWSW	24	24.4	ACRES IRRIGATION	39	S	8	E
	SENE	24	22.3	ACRES IRRIGATION	39	S	8	E
	SESE	24	38.8	ACRES IRRIGATION	39	S	8	E
	SESW	24	15.3	ACRES IRRIGATION	39	S	8	E
5	SWNE	24	26.7	ACRES IRRIGATION	39	S	8	E
	SWSE	24	38.5	ACRES IRRIGATION	39	S	8	E
	SWSW	24	37.2	ACRES IRRIGATION	39	S	8	E
	NENE	25	1	ACRES IRRIGATION	39	S	8	E
2	NESE	25	0.8	ACRES IRRIGATION	39	S	8	E
1	NESE	25	2.7	ACRES IRRIGATION	39	S	8	E
	NWNE	25	7.1	ACRES IRRIGATION	39	S	8	E
	NWNW	25	38	ACRES IRRIGATION	39	S	8	E
	NWSW	25	5.7	ACRES IRRIGATION	39	S	8	E
2	SESE	25	0.5	ACRES IRRIGATION	39	S	8	E
1	SESE	25	4.8	ACRES IRRIGATION	39	S	8	E
	SWNE	25	5.3	ACRES IRRIGATION	39	S	8	E
	SWNW	25	38.3	ACRES IRRIGATION	39	S	8	E
	SWSW	25	24.8	ACRES IRRIGATION	39	S	8	E
4	NENE	26	37.1	ACRES IRRIGATION	39	S	8	E
	NENW	26	0.8	ACRES IRRIGATION	39	S	8	E
3	NENW	26	38.1	ACRES IRRIGATION	39	S	8	E
	NESE	26	33.2	ACRES IRRIGATION	39	S	8	E
13	NESW	26	2.6	ACRES IRRIGATION	39	S	8	E
8	NESW	26	22.7	ACRES IRRIGATION	39	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNE	26	2.1	ACRES IRRIGATION	39	S	8	E
3	NWNE	26	8.5	ACRES IRRIGATION	39	S	8	E
5	NWNE	26	3	ACRES IRRIGATION	39	S	8	E
	NWNW	26	37.8	ACRES IRRIGATION	39	S	8	E
13	NWSE	26	7.6	ACRES IRRIGATION	39	S	8	E
11	NWSE	26	26.5	ACRES IRRIGATION	39	S	8	E
1	NWSW	26	7.1	ACRES IRRIGATION	39	S	8	E
	SENE	26	37.5	ACRES IRRIGATION	39	S	8	E
	SENW	26	2	ACRES IRRIGATION	39	S	8	E
2	SENW	26	8.3	ACRES IRRIGATION	39	S	8	E
7	SENW	26	1.7	ACRES IRRIGATION	39	S	8	E
	SESE	26	37.5	ACRES IRRIGATION	39	S	8	E
9	SESW	26	6.3	ACRES IRRIGATION	39	S	8	E
15	SESW	26	30.8	ACRES IRRIGATION	39	S	8	E
6	SWNE	26	27.5	ACRES IRRIGATION	39	S	8	E
2	SWNW	26	37.6	ACRES IRRIGATION	39	S	8	E
14	SWSE	26	10.8	ACRES IRRIGATION	39	S	8	E
12	SWSE	26	18.2	ACRES IRRIGATION	39	S	8	E
15	SWSW	26	1.2	ACRES IRRIGATION	39	S	8	E
10	SWSW	26	2	ACRES IRRIGATION	39	S	8	E
	NENE	27	38.8	ACRES IRRIGATION	39	S	8	E
	NENW	27	7.2	ACRES IRRIGATION	39	S	8	E
	NESW	27	38.8	ACRES IRRIGATION	39	S	8	E
	NWNE	27	6	ACRES IRRIGATION	39	S	8	E
	NWNW	27	11.5	ACRES IRRIGATION	39	S	8	E
	NWSW	27	27.6	ACRES IRRIGATION	39	S	8	E
	SENE	27	38	ACRES IRRIGATION	39	S	8	E
	SENW	27	39	ACRES IRRIGATION	39	S	8	E
2	SESW	27	19.8	ACRES IRRIGATION	39	S	8	E
	SWNW	27	15.6	ACRES IRRIGATION	39	S	8	E
1	SWSW	27	14.3	ACRES IRRIGATION	39	S	8	E
	NESE	28	0.8	ACRES IRRIGATION	39	S	8	E
3	SESE	28	0.6	ACRES IRRIGATION	39	S	8	E
2	SESE	28	0.7	ACRES IRRIGATION	39	S	8	E
1	SESE	28	19.1	ACRES IRRIGATION	39	S	8	E
	SESW	28	18.4	ACRES IRRIGATION	39	S	8	E
	SWSE	28	8.9	ACRES IRRIGATION	39	S	8	E
	SWSW	28	18.4	ACRES IRRIGATION	39	S	8	E
	SESE	29	19	ACRES IRRIGATION	39	S	8	E
	SESW	29	31.9	ACRES IRRIGATION	39	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSE	29	28	ACRES IRRIGATION	39	S	8	E
	SWSW	29	16	ACRES IRRIGATION	39	S	8	E
	NENE	32	36.6	ACRES IRRIGATION	39	S	8	E
	NENW	32	42.1	ACRES IRRIGATION	39	S	8	E
	NESW	32	13	ACRES IRRIGATION	39	S	8	E
	NWNE	32	39.3	ACRES IRRIGATION	39	S	8	E
	NWNW	32	19.7	ACRES IRRIGATION	39	S	8	E
7	NWSE	32	5.2	ACRES IRRIGATION	39	S	8	E
4	NWSE	32	32.4	ACRES IRRIGATION	39	S	8	E
	NWSW	32	10.5	ACRES IRRIGATION	39	S	8	E
	SENE	32	2.9	ACRES IRRIGATION	39	S	8	E
6	SENE	32	28.9	ACRES IRRIGATION	39	S	8	E
	SENW	32	35.2	ACRES IRRIGATION	39	S	8	E
2	SESW	32	9.6	ACRES IRRIGATION	39	S	8	E
10	SESW	32	11.1	ACRES IRRIGATION	39	S	8	E
	SWNE	32	15	ACRES IRRIGATION	39	S	8	E
5	SWNE	32	20.4	ACRES IRRIGATION	39	S	8	E
	SWNW	32	22.3	ACRES IRRIGATION	39	S	8	E
11	SWSW	32	1.5	ACRES IRRIGATION	39	S	8	E
1	SWSW	32	5.5	ACRES IRRIGATION	39	S	8	E
5	NENE	33	2.2	ACRES IRRIGATION	39	S	8	E
3	NENE	33	4.3	ACRES IRRIGATION	39	S	8	E
6	NENW	33	3.7	ACRES IRRIGATION	39	S	8	E
	NENW	33	12.9	ACRES IRRIGATION	39	S	8	E
2	NENW	33	17.5	ACRES IRRIGATION	39	S	8	E
	NWNE	33	0.2	ACRES IRRIGATION	39	S	8	E
5	NWNE	33	12.1	ACRES IRRIGATION	39	S	8	E
3	NWNE	33	17.3	ACRES IRRIGATION	39	S	8	E
1	NWNW	33	5.1	ACRES IRRIGATION	39	S	8	E
	NWNW	33	28.1	ACRES IRRIGATION	39	S	8	E
2	SENW	33	7	ACRES IRRIGATION	39	S	8	E
6	SENW	33	15.4	ACRES IRRIGATION	39	S	8	E
	SWNE	33	0.9	ACRES IRRIGATION	39	S	8	E
4	SWNW	33	1.3	ACRES IRRIGATION	39	S	8	E
1	SWNW	33	37.8	ACRES IRRIGATION	39	S	8	E
1	NENE	36	1.6	ACRES IRRIGATION	39	S	8	E
	NESE	36	1.5	ACRES IRRIGATION	39	S	8	E
1	NWNE	36	1.9	ACRES IRRIGATION	39	S	8	E
	SENE	36	25	ACRES IRRIGATION	39	S	8	E
	SWNE	36	0.3	ACRES IRRIGATION	39	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
2	SWNE	36	22.9	ACRES IRRIGATION	39	S	8	E
	NESE	1	8.6	ACRES IRRIGATION	39	S	9	E
	NESW	1	10	ACRES IRRIGATION	39	S	9	E
	NWNW	1	10.2	ACRES IRRIGATION	39	S	9	E
	NWSE	1	31.6	ACRES IRRIGATION	39	S	9	E
	NWSW	1	13.1	ACRES IRRIGATION	39	S	9	E
	SENW	1	24	ACRES IRRIGATION	39	S	9	E
	SESE	1	17.6	ACRES IRRIGATION	39	S	9	E
	SESW	1	9.6	ACRES IRRIGATION	39	S	9	E
	SWNE	1	4.6	ACRES IRRIGATION	39	S	9	E
	SWNW	1	10.1	ACRES IRRIGATION	39	S	9	E
	SWSE	1	15.7	ACRES IRRIGATION	39	S	9	E
	SWSW	1	17.7	ACRES IRRIGATION	39	S	9	E
	NENE	2	9.7	ACRES IRRIGATION	39	S	9	E
	NENW	2	10	ACRES IRRIGATION	39	S	9	E
	NESE	2	7.7	ACRES IRRIGATION	39	S	9	E
	NESW	2	7.4	ACRES IRRIGATION	39	S	9	E
	NWNE	2	21.6	ACRES IRRIGATION	39	S	9	E
	NWNW	2	5.5	ACRES IRRIGATION	39	S	9	E
	NWSE	2	14.5	ACRES IRRIGATION	39	S	9	E
	NWSW	2	3.8	ACRES IRRIGATION	39	S	9	E
	SENE	2	8.4	ACRES IRRIGATION	39	S	9	E
	SENW	2	6.7	ACRES IRRIGATION	39	S	9	E
	SESE	2	19.8	ACRES IRRIGATION	39	S	9	E
	SESW	2	21.7	ACRES IRRIGATION	39	S	9	E
	SWNE	2	9.3	ACRES IRRIGATION	39	S	9	E
	SWNW	2	5.7	ACRES IRRIGATION	39	S	9	E
	SWSE	2	14.9	ACRES IRRIGATION	39	S	9	E
	SWSW	2	15.1	ACRES IRRIGATION	39	S	9	E
	NENE	3	6.5	ACRES IRRIGATION	39	S	9	E
	NESE	3	12.8	ACRES IRRIGATION	39	S	9	E
	NWNE	3	5.7	ACRES IRRIGATION	39	S	9	E
	NWSE	3	1.8	ACRES IRRIGATION	39	S	9	E
	SENE	3	3.4	ACRES IRRIGATION	39	S	9	E
	SESE	3	7.8	ACRES IRRIGATION	39	S	9	E
	SWNE	3	6.5	ACRES IRRIGATION	39	S	9	E
	SWSE	3	3.5	ACRES IRRIGATION	39	S	9	E
6	NESE	5	1.9	ACRES IRRIGATION	39	S	9	E
3	NESE	5	7.3	ACRES IRRIGATION	39	S	9	E
	NESE	5	9	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
1	NWNE	5	0.1	ACRES IRRIGATION	39	S	9	E
8	NWNE	5	1.8	ACRES IRRIGATION	39	S	9	E
	NWNE	5	13.6	ACRES IRRIGATION	39	S	9	E
	SENE	5	14.6	ACRES IRRIGATION	39	S	9	E
7	SWNE	5	2.2	ACRES IRRIGATION	39	S	9	E
2	SWNE	5	5.3	ACRES IRRIGATION	39	S	9	E
	SWNE	5	8	ACRES IRRIGATION	39	S	9	E
	SESE	7	11.6	ACRES IRRIGATION	39	S	9	E
	NENW	8	5.7	ACRES IRRIGATION	39	S	9	E
6	NESE	8	0.2	ACRES IRRIGATION	39	S	9	E
9	NESE	8	6.1	ACRES IRRIGATION	39	S	9	E
3	NESW	8	3.1	ACRES IRRIGATION	39	S	9	E
	NWSW	8	18	ACRES IRRIGATION	39	S	9	E
	SENW	8	12.7	ACRES IRRIGATION	39	S	9	E
	SESE	8	6.2	ACRES IRRIGATION	39	S	9	E
7	SESE	8	8.2	ACRES IRRIGATION	39	S	9	E
8	SESE	8	21.1	ACRES IRRIGATION	39	S	9	E
4	SESW	8	9.7	ACRES IRRIGATION	39	S	9	E
	SWNW	8	6.9	ACRES IRRIGATION	39	S	9	E
	SWSW	8	16.8	ACRES IRRIGATION	39	S	9	E
	SESE	9	3.2	ACRES IRRIGATION	39	S	9	E
	SWSW	9	11.6	ACRES IRRIGATION	39	S	9	E
	NENE	10	13.8	ACRES IRRIGATION	39	S	9	E
	NESE	10	10.6	ACRES IRRIGATION	39	S	9	E
	NWNE	10	11.9	ACRES IRRIGATION	39	S	9	E
	NWSE	10	7.4	ACRES IRRIGATION	39	S	9	E
	NWSW	10	10.3	ACRES IRRIGATION	39	S	9	E
	SENE	10	11.3	ACRES IRRIGATION	39	S	9	E
	SESE	10	3.4	ACRES IRRIGATION	39	S	9	E
	SESW	10	8.1	ACRES IRRIGATION	39	S	9	E
	SWNE	10	13.1	ACRES IRRIGATION	39	S	9	E
	SWSE	10	7.5	ACRES IRRIGATION	39	S	9	E
	SWSW	10	28.7	ACRES IRRIGATION	39	S	9	E
	NENE	11	14.02	ACRES IRRIGATION	39	S	9	E
	NENW	11	8.3	ACRES IRRIGATION	39	S	9	E
	NESE	11	6.6	ACRES IRRIGATION	39	S	9	E
	NESW	11	11.3	ACRES IRRIGATION	39	S	9	E
	NWNE	11	14	ACRES IRRIGATION	39	S	9	E
	NWNW	11	27.8	ACRES IRRIGATION	39	S	9	E
	NWSE	11	19.6	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSW	11	12.1	ACRES IRRIGATION	39	S	9	E
	SENE	11	14.8	ACRES IRRIGATION	39	S	9	E
	SENW	11	7.8	ACRES IRRIGATION	39	S	9	E
	SESE	11	20.7	ACRES IRRIGATION	39	S	9	E
	SESW	11	1.7	ACRES IRRIGATION	39	S	9	E
	SWNE	11	19.4	ACRES IRRIGATION	39	S	9	E
	SWNW	11	11.3	ACRES IRRIGATION	39	S	9	E
	SWSE	11	5.4	ACRES IRRIGATION	39	S	9	E
	SWSW	11	2.7	ACRES IRRIGATION	39	S	9	E
	NENE	12	20.3	ACRES IRRIGATION	39	S	9	E
	NENW	12	36.3	ACRES IRRIGATION	39	S	9	E
	NESE	12	4.8	ACRES IRRIGATION	39	S	9	E
	NESW	12	17.7	ACRES IRRIGATION	39	S	9	E
	NWNE	12	29.1	ACRES IRRIGATION	39	S	9	E
	NWNW	12	8.8	ACRES IRRIGATION	39	S	9	E
	NWSE	12	32.3	ACRES IRRIGATION	39	S	9	E
	NWSW	12	0.1	ACRES IRRIGATION	39	S	9	E
	SENE	12	29.5	ACRES IRRIGATION	39	S	9	E
	SENW	12	18.3	ACRES IRRIGATION	39	S	9	E
	SESE	12	11.1	ACRES IRRIGATION	39	S	9	E
	SESW	12	2.2	ACRES IRRIGATION	39	S	9	E
	SWNE	12	34.1	ACRES IRRIGATION	39	S	9	E
	SWNW	12	0.9	ACRES IRRIGATION	39	S	9	E
	SWSE	12	25.1	ACRES IRRIGATION	39	S	9	E
	SWSW	12	3.8	ACRES IRRIGATION	39	S	9	E
	NENE	13	3.9	ACRES IRRIGATION	39	S	9	E
	NENW	13	29.7	ACRES IRRIGATION	39	S	9	E
	NESE	13	33.7	ACRES IRRIGATION	39	S	9	E
	NESW	13	36.5	ACRES IRRIGATION	39	S	9	E
	NWNE	13	0.4	ACRES IRRIGATION	39	S	9	E
	NWNW	13	9.8	ACRES IRRIGATION	39	S	9	E
	NWSE	13	40	ACRES IRRIGATION	39	S	9	E
	NWSW	13	39.5	ACRES IRRIGATION	39	S	9	E
	SENE	13	37.9	ACRES IRRIGATION	39	S	9	E
	SENW	13	38.6	ACRES IRRIGATION	39	S	9	E
	SESE	13	33.4	ACRES IRRIGATION	39	S	9	E
	SESW	13	5.7	ACRES IRRIGATION	39	S	9	E
	SWNE	13	30.7	ACRES IRRIGATION	39	S	9	E
	SWNW	13	38.6	ACRES IRRIGATION	39	S	9	E
	SWSE	13	31.2	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	13	12.6	ACRES IRRIGATION	39	S	9	E
	NENE	14	18.6	ACRES IRRIGATION	39	S	9	E
	NENW	14	21.1	ACRES IRRIGATION	39	S	9	E
	NESE	14	16.7	ACRES IRRIGATION	39	S	9	E
	NWNE	14	10.4	ACRES IRRIGATION	39	S	9	E
	NWNW	14	13.9	ACRES IRRIGATION	39	S	9	E
	NWSE	14	11.6	ACRES IRRIGATION	39	S	9	E
	NWSW	14	17.8	ACRES IRRIGATION	39	S	9	E
	SENE	14	38.2	ACRES IRRIGATION	39	S	9	E
	SENW	14	38.1	ACRES IRRIGATION	39	S	9	E
	SESE	14	13.7	ACRES IRRIGATION	39	S	9	E
	SESW	14	38	ACRES IRRIGATION	39	S	9	E
	SWNE	14	21.9	ACRES IRRIGATION	39	S	9	E
	SWNW	14	12.4	ACRES IRRIGATION	39	S	9	E
	SWSE	14	36.5	ACRES IRRIGATION	39	S	9	E
	SWSW	14	9.8	ACRES IRRIGATION	39	S	9	E
	NENE	15	4.4	ACRES IRRIGATION	39	S	9	E
	NENW	15	15.6	ACRES IRRIGATION	39	S	9	E
	NESE	15	21.7	ACRES IRRIGATION	39	S	9	E
	NESW	15	12.4	ACRES IRRIGATION	39	S	9	E
	NWNE	15	19	ACRES IRRIGATION	39	S	9	E
	NWNW	15	7.7	ACRES IRRIGATION	39	S	9	E
	NWSE	15	9.1	ACRES IRRIGATION	39	S	9	E
	NWSW	15	17.8	ACRES IRRIGATION	39	S	9	E
	SENE	15	9.3	ACRES IRRIGATION	39	S	9	E
	SENW	15	26.5	ACRES IRRIGATION	39	S	9	E
	SESW	15	15.1	ACRES IRRIGATION	39	S	9	E
	SWNE	15	13.8	ACRES IRRIGATION	39	S	9	E
	SWNW	15	23.2	ACRES IRRIGATION	39	S	9	E
	SWSW	15	16.7	ACRES IRRIGATION	39	S	9	E
	NENE	16	37.8	ACRES IRRIGATION	39	S	9	E
	NENW	16	19	ACRES IRRIGATION	39	S	9	E
	NESE	16	3	ACRES IRRIGATION	39	S	9	E
	NESW	16	37.1	ACRES IRRIGATION	39	S	9	E
	NWNE	16	31.6	ACRES IRRIGATION	39	S	9	E
	NWNW	16	17.9	ACRES IRRIGATION	39	S	9	E
	NWSE	16	31.4	ACRES IRRIGATION	39	S	9	E
	NWSW	16	38.8	ACRES IRRIGATION	39	S	9	E
	SENE	16	38.5	ACRES IRRIGATION	39	S	9	E
	SENW	16	2.7	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	16	29.7	ACRES IRRIGATION	39	S	9	E
	SESW	16	38.8	ACRES IRRIGATION	39	S	9	E
	SWNE	16	16.4	ACRES IRRIGATION	39	S	9	E
	SWNW	16	24.6	ACRES IRRIGATION	39	S	9	E
	SWSE	16	32.8	ACRES IRRIGATION	39	S	9	E
	SWSW	16	19.8	ACRES IRRIGATION	39	S	9	E
	NENE	17	1.1	ACRES IRRIGATION	39	S	9	E
9	NENE	17	25.2	ACRES IRRIGATION	39	S	9	E
	NENW	17	0.4	ACRES IRRIGATION	39	S	9	E
5	NESE	17	17.7	ACRES IRRIGATION	39	S	9	E
	NWNE	17	3.1	ACRES IRRIGATION	39	S	9	E
1	NWNW	17	12.4	ACRES IRRIGATION	39	S	9	E
7	NWSE	17	16.5	ACRES IRRIGATION	39	S	9	E
4	NWSE	17	19.2	ACRES IRRIGATION	39	S	9	E
2	SENE	17	23.5	ACRES IRRIGATION	39	S	9	E
	SENW	17	6.3	ACRES IRRIGATION	39	S	9	E
8	SENW	17	36.1	ACRES IRRIGATION	39	S	9	E
5	SESE	17	10.8	ACRES IRRIGATION	39	S	9	E
6	SESE	17	27.4	ACRES IRRIGATION	39	S	9	E
	SESW	17	12.8	ACRES IRRIGATION	39	S	9	E
3	SWNE	17	28.3	ACRES IRRIGATION	39	S	9	E
	SWSE	17	38.2	ACRES IRRIGATION	39	S	9	E
	NENE	18	33.9	ACRES IRRIGATION	39	S	9	E
	SESE	18	2.1	ACRES IRRIGATION	39	S	9	E
11	SESE	18	10	ACRES IRRIGATION	39	S	9	E
	NENE	19	0.7	ACRES IRRIGATION	39	S	9	E
7	NENE	19	20.3	ACRES IRRIGATION	39	S	9	E
9	NENW	19	2.2	ACRES IRRIGATION	39	S	9	E
	NENW	19	6.4	ACRES IRRIGATION	39	S	9	E
2	NESE	19	19.7	ACRES IRRIGATION	39	S	9	E
	NESW	19	1	ACRES IRRIGATION	39	S	9	E
	NWNE	19	4.2	ACRES IRRIGATION	39	S	9	E
8	NWNE	19	5.9	ACRES IRRIGATION	39	S	9	E
10	NWNW	19	0.2	ACRES IRRIGATION	39	S	9	E
	NWNW	19	6.8	ACRES IRRIGATION	39	S	9	E
2	NWSE	19	5.6	ACRES IRRIGATION	39	S	9	E
12	NWSW	19	17.3	ACRES IRRIGATION	39	S	9	E
6	SENE	19	13.1	ACRES IRRIGATION	39	S	9	E
1	SENE	19	16.9	ACRES IRRIGATION	39	S	9	E
	SENW	19	8.9	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	19	10.8	ACRES IRRIGATION	39	S	9	E
	SESW	19	1.5	ACRES IRRIGATION	39	S	9	E
	SWNE	19	0.7	ACRES IRRIGATION	39	S	9	E
11	SWNW	19	30.1	ACRES IRRIGATION	39	S	9	E
3	SWSE	19	22.4	ACRES IRRIGATION	39	S	9	E
13	SWSW	19	36.2	ACRES IRRIGATION	39	S	9	E
7	NENE	20	3.5	ACRES IRRIGATION	39	S	9	E
13	NENE	20	20.2	ACRES IRRIGATION	39	S	9	E
2	NENW	20	9.5	ACRES IRRIGATION	39	S	9	E
15	NENW	20	28.6	ACRES IRRIGATION	39	S	9	E
8	NESE	20	31.5	ACRES IRRIGATION	39	S	9	E
17	NESW	20	28.4	ACRES IRRIGATION	39	S	9	E
12	NWNE	20	22.6	ACRES IRRIGATION	39	S	9	E
	NWNW	20	4.8	ACRES IRRIGATION	39	S	9	E
1	NWNW	20	10.7	ACRES IRRIGATION	39	S	9	E
14	NWNW	20	14	ACRES IRRIGATION	39	S	9	E
11	NWSE	20	33.5	ACRES IRRIGATION	39	S	9	E
4	NWSW	20	35.1	ACRES IRRIGATION	39	S	9	E
	SENE	20	11	ACRES IRRIGATION	39	S	9	E
16	SENW	20	9.3	ACRES IRRIGATION	39	S	9	E
3	SENW	20	13.7	ACRES IRRIGATION	39	S	9	E
9	SESE	20	16	ACRES IRRIGATION	39	S	9	E
10	SESE	20	18.2	ACRES IRRIGATION	39	S	9	E
18	SESW	20	14.6	ACRES IRRIGATION	39	S	9	E
	SWNW	20	19.1	ACRES IRRIGATION	39	S	9	E
18	SWSW	20	1.2	ACRES IRRIGATION	39	S	9	E
5	SWSW	20	17.7	ACRES IRRIGATION	39	S	9	E
	NENE	21	34.5	ACRES IRRIGATION	39	S	9	E
1	NENW	21	3.2	ACRES IRRIGATION	39	S	9	E
6	NENW	21	4.3	ACRES IRRIGATION	39	S	9	E
12	NENW	21	21.5	ACRES IRRIGATION	39	S	9	E
11	NESE	21	10.7	ACRES IRRIGATION	39	S	9	E
19	NESE	21	30	ACRES IRRIGATION	39	S	9	E
	NESW	21	40	ACRES IRRIGATION	39	S	9	E
12	NWNE	21	2.8	ACRES IRRIGATION	39	S	9	E
1	NWNE	21	33.5	ACRES IRRIGATION	39	S	9	E
5	NWNW	21	9.1	ACRES IRRIGATION	39	S	9	E
13	NWNW	21	13.2	ACRES IRRIGATION	39	S	9	E
8	NWSE	21	30.9	ACRES IRRIGATION	39	S	9	E
	NWSW	21	39	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
16	SENE	21	29.9	ACRES IRRIGATION	39	S	9	E
6	SENW	21	30.7	ACRES IRRIGATION	39	S	9	E
9	SESE	21	4.5	ACRES IRRIGATION	39	S	9	E
10	SESE	21	9.8	ACRES IRRIGATION	39	S	9	E
4	SESE	21	14.1	ACRES IRRIGATION	39	S	9	E
	SESW	21	40	ACRES IRRIGATION	39	S	9	E
7	SWNE	21	6.4	ACRES IRRIGATION	39	S	9	E
12	SWNE	21	8.4	ACRES IRRIGATION	39	S	9	E
16	SWNE	21	12.4	ACRES IRRIGATION	39	S	9	E
	SWNW	21	19.9	ACRES IRRIGATION	39	S	9	E
9	SWSE	21	37.5	ACRES IRRIGATION	39	S	9	E
	SWSW	21	34.7	ACRES IRRIGATION	39	S	9	E
	NENW	22	26.6	ACRES IRRIGATION	39	S	9	E
	NESW	22	19.8	ACRES IRRIGATION	39	S	9	E
	NWNW	22	19.5	ACRES IRRIGATION	39	S	9	E
	NWSW	22	38	ACRES IRRIGATION	39	S	9	E
	SENW	22	0.6	ACRES IRRIGATION	39	S	9	E
	SESW	22	38.5	ACRES IRRIGATION	39	S	9	E
	SWNW	22	26	ACRES IRRIGATION	39	S	9	E
	SWSE	22	8.8	ACRES IRRIGATION	39	S	9	E
	SWSW	22	34.7	ACRES IRRIGATION	39	S	9	E
	NENE	23	31.3	ACRES IRRIGATION	39	S	9	E
	NENW	23	19.6	ACRES IRRIGATION	39	S	9	E
	NESE	23	33	ACRES IRRIGATION	39	S	9	E
	NWNE	23	38	ACRES IRRIGATION	39	S	9	E
	NWSE	23	36.3	ACRES IRRIGATION	39	S	9	E
	SENE	23	38.6	ACRES IRRIGATION	39	S	9	E
	SESE	23	29.5	ACRES IRRIGATION	39	S	9	E
	SWNE	23	27.5	ACRES IRRIGATION	39	S	9	E
	NENE	24	36.4	ACRES IRRIGATION	39	S	9	E
	NENW	24	30.2	ACRES IRRIGATION	39	S	9	E
	NESE	24	37.3	ACRES IRRIGATION	39	S	9	E
	NESW	24	39.4	ACRES IRRIGATION	39	S	9	E
	NWNE	24	22.2	ACRES IRRIGATION	39	S	9	E
	NWNW	24	28.3	ACRES IRRIGATION	39	S	9	E
	NWSE	24	38	ACRES IRRIGATION	39	S	9	E
	NWSW	24	38	ACRES IRRIGATION	39	S	9	E
	SENE	24	37.1	ACRES IRRIGATION	39	S	9	E
	SENW	24	40	ACRES IRRIGATION	39	S	9	E
	SESE	24	39	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	24	38.8	ACRES IRRIGATION	39	S	9	E
	SWNE	24	35.9	ACRES IRRIGATION	39	S	9	E
	SWNW	24	37	ACRES IRRIGATION	39	S	9	E
	SWSE	24	40	ACRES IRRIGATION	39	S	9	E
	SWSW	24	31.6	ACRES IRRIGATION	39	S	9	E
	NENE	25	29.1	ACRES IRRIGATION	39	S	9	E
	NENW	25	27.2	ACRES IRRIGATION	39	S	9	E
	NESE	25	28.5	ACRES IRRIGATION	39	S	9	E
	NESW	25	12.6	ACRES IRRIGATION	39	S	9	E
	NWNE	25	27.7	ACRES IRRIGATION	39	S	9	E
	NWNW	25	35.3	ACRES IRRIGATION	39	S	9	E
	NWSE	25	38.5	ACRES IRRIGATION	39	S	9	E
	NWSW	25	34.5	ACRES IRRIGATION	39	S	9	E
	SENE	25	31.2	ACRES IRRIGATION	39	S	9	E
	SENW	25	36.1	ACRES IRRIGATION	39	S	9	E
	SESE	25	17.5	ACRES IRRIGATION	39	S	9	E
	SESW	25	31.5	ACRES IRRIGATION	39	S	9	E
	SWNE	25	34.5	ACRES IRRIGATION	39	S	9	E
	SWNW	25	34.7	ACRES IRRIGATION	39	S	9	E
	SWSE	25	31.3	ACRES IRRIGATION	39	S	9	E
	SWSW	25	32.7	ACRES IRRIGATION	39	S	9	E
	NENE	26	33.3	ACRES IRRIGATION	39	S	9	E
	NESE	26	12.4	ACRES IRRIGATION	39	S	9	E
	NWSW	26	6.9	ACRES IRRIGATION	39	S	9	E
	SENE	26	37.6	ACRES IRRIGATION	39	S	9	E
	SESE	26	22.2	ACRES IRRIGATION	39	S	9	E
	SESW	26	15.1	ACRES IRRIGATION	39	S	9	E
	SWNE	26	18.6	ACRES IRRIGATION	39	S	9	E
	SWNW	26	2.4	ACRES IRRIGATION	39	S	9	E
	SWSE	26	1.8	ACRES IRRIGATION	39	S	9	E
	SWSW	26	32.8	ACRES IRRIGATION	39	S	9	E
	NENW	27	40	ACRES IRRIGATION	39	S	9	E
	NESE	27	28.9	ACRES IRRIGATION	39	S	9	E
	NESW	27	37	ACRES IRRIGATION	39	S	9	E
	NWNE	27	31.6	ACRES IRRIGATION	39	S	9	E
	NWNW	27	38.4	ACRES IRRIGATION	39	S	9	E
	NWSE	27	37.6	ACRES IRRIGATION	39	S	9	E
	SENE	27	26.5	ACRES IRRIGATION	39	S	9	E
	SENW	27	40	ACRES IRRIGATION	39	S	9	E
	SESE	27	29.9	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	27	37.8	ACRES IRRIGATION	39	S	9	E
	SWNW	27	35.2	ACRES IRRIGATION	39	S	9	E
	SWSW	27	20.5	ACRES IRRIGATION	39	S	9	E
	NENE	28	24.1	ACRES IRRIGATION	39	S	9	E
	NENW	28	38.9	ACRES IRRIGATION	39	S	9	E
	NESE	28	32.2	ACRES IRRIGATION	39	S	9	E
	NWNE	28	40	ACRES IRRIGATION	39	S	9	E
	NWNW	28	22.1	ACRES IRRIGATION	39	S	9	E
	NWSE	28	14.2	ACRES IRRIGATION	39	S	9	E
	NWSW	28	4.9	ACRES IRRIGATION	39	S	9	E
	SENE	28	31.6	ACRES IRRIGATION	39	S	9	E
	SENW	28	27.3	ACRES IRRIGATION	39	S	9	E
	SWNE	28	40	ACRES IRRIGATION	39	S	9	E
	SWNW	28	2.7	ACRES IRRIGATION	39	S	9	E
	SWSW	28	16.5	ACRES IRRIGATION	39	S	9	E
4	NENE	29	18.5	ACRES IRRIGATION	39	S	9	E
3	NENE	29	20.5	ACRES IRRIGATION	39	S	9	E
6	NENW	29	8.1	ACRES IRRIGATION	39	S	9	E
1	NENW	29	25.1	ACRES IRRIGATION	39	S	9	E
	NESE	29	28.5	ACRES IRRIGATION	39	S	9	E
	NESW	29	34	ACRES IRRIGATION	39	S	9	E
2	NWNE	29	3.8	ACRES IRRIGATION	39	S	9	E
5	NWNE	29	7.2	ACRES IRRIGATION	39	S	9	E
	NWNW	29	25.4	ACRES IRRIGATION	39	S	9	E
	NWSE	29	35.9	ACRES IRRIGATION	39	S	9	E
	NWSW	29	33.3	ACRES IRRIGATION	39	S	9	E
	SENE	29	38	ACRES IRRIGATION	39	S	9	E
	SENW	29	40	ACRES IRRIGATION	39	S	9	E
	SESE	29	36.4	ACRES IRRIGATION	39	S	9	E
	SESW	29	35	ACRES IRRIGATION	39	S	9	E
	SWNE	29	17.6	ACRES IRRIGATION	39	S	9	E
	SWNW	29	40	ACRES IRRIGATION	39	S	9	E
	SWSE	29	34.8	ACRES IRRIGATION	39	S	9	E
	SWSW	29	35.2	ACRES IRRIGATION	39	S	9	E
	NENE	30	35.5	ACRES IRRIGATION	39	S	9	E
1	NENW	30	7	ACRES IRRIGATION	39	S	9	E
	NESE	30	37.6	ACRES IRRIGATION	39	S	9	E
	NESW	30	19	ACRES IRRIGATION	39	S	9	E
1	NWNE	30	16.5	ACRES IRRIGATION	39	S	9	E
	NWSE	30	39	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	NWSW	30	18.4	ACRES IRRIGATION	39	S	9	E
	SENE	30	40	ACRES IRRIGATION	39	S	9	E
2	SENW	30	26.4	ACRES IRRIGATION	39	S	9	E
	SESE	30	31.4	ACRES IRRIGATION	39	S	9	E
	SESW	30	24	ACRES IRRIGATION	39	S	9	E
	SWNE	30	21.2	ACRES IRRIGATION	39	S	9	E
2	SWNW	30	2.1	ACRES IRRIGATION	39	S	9	E
	SWSE	30	37.4	ACRES IRRIGATION	39	S	9	E
	SWSW	30	29.5	ACRES IRRIGATION	39	S	9	E
	NENE	31	26.1	ACRES IRRIGATION	39	S	9	E
	NENW	31	38.3	ACRES IRRIGATION	39	S	9	E
	NESE	31	40	ACRES IRRIGATION	39	S	9	E
	NESW	31	40	ACRES IRRIGATION	39	S	9	E
	NWNW	31	24	ACRES IRRIGATION	39	S	9	E
	NWSE	31	40	ACRES IRRIGATION	39	S	9	E
	NWSW	31	28	ACRES IRRIGATION	39	S	9	E
	SENE	31	25.6	ACRES IRRIGATION	39	S	9	E
	SENW	31	38.4	ACRES IRRIGATION	39	S	9	E
	SESE	31	30.9	ACRES IRRIGATION	39	S	9	E
	SESW	31	29	ACRES IRRIGATION	39	S	9	E
	SWNE	31	9.6	ACRES IRRIGATION	39	S	9	E
	SWNW	31	38.4	ACRES IRRIGATION	39	S	9	E
	SWSE	31	39	ACRES IRRIGATION	39	S	9	E
	NENE	32	28.4	ACRES IRRIGATION	39	S	9	E
	NENW	32	38.1	ACRES IRRIGATION	39	S	9	E
	NESE	32	38.5	ACRES IRRIGATION	39	S	9	E
	NESW	32	40	ACRES IRRIGATION	39	S	9	E
	NWNE	32	16.4	ACRES IRRIGATION	39	S	9	E
	NWNW	32	20.9	ACRES IRRIGATION	39	S	9	E
	NWSE	32	39	ACRES IRRIGATION	39	S	9	E
	NWSW	32	35.8	ACRES IRRIGATION	39	S	9	E
	SENE	32	34.3	ACRES IRRIGATION	39	S	9	E
	SENW	32	40	ACRES IRRIGATION	39	S	9	E
	SESE	32	38.4	ACRES IRRIGATION	39	S	9	E
	SESW	32	24.4	ACRES IRRIGATION	39	S	9	E
	SWNE	32	33.9	ACRES IRRIGATION	39	S	9	E
	SWNW	32	11.9	ACRES IRRIGATION	39	S	9	E
	SWSE	32	31.5	ACRES IRRIGATION	39	S	9	E
	SWSW	32	19.6	ACRES IRRIGATION	39	S	9	E
	NENW	33	15.6	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESE	33	40	ACRES IRRIGATION	39	S	9	E
	NESW	33	36	ACRES IRRIGATION	39	S	9	E
	NWNE	33	11	ACRES IRRIGATION	39	S	9	E
	NWNW	33	36	ACRES IRRIGATION	39	S	9	E
	NWSE	33	39.6	ACRES IRRIGATION	39	S	9	E
	NWSW	33	36.8	ACRES IRRIGATION	39	S	9	E
	SENE	33	32.5	ACRES IRRIGATION	39	S	9	E
	SENW	33	40	ACRES IRRIGATION	39	S	9	E
	SESE	33	32.2	ACRES IRRIGATION	39	S	9	E
	SESW	33	38	ACRES IRRIGATION	39	S	9	E
	SWNE	33	40	ACRES IRRIGATION	39	S	9	E
	SWNW	33	34	ACRES IRRIGATION	39	S	9	E
	SWSE	33	34.2	ACRES IRRIGATION	39	S	9	E
	SWSW	33	35.7	ACRES IRRIGATION	39	S	9	E
	NENE	34	30.4	ACRES IRRIGATION	39	S	9	E
	NENW	34	15.5	ACRES IRRIGATION	39	S	9	E
	NESE	34	36.7	ACRES IRRIGATION	39	S	9	E
	NWNE	34	19.1	ACRES IRRIGATION	39	S	9	E
	NWSE	34	26.8	ACRES IRRIGATION	39	S	9	E
	SENE	34	34.5	ACRES IRRIGATION	39	S	9	E
	SENW	34	6.8	ACRES IRRIGATION	39	S	9	E
	SESE	34	32.7	ACRES IRRIGATION	39	S	9	E
	SESW	34	8.5	ACRES IRRIGATION	39	S	9	E
	SWNE	34	32.4	ACRES IRRIGATION	39	S	9	E
	SWSE	34	28	ACRES IRRIGATION	39	S	9	E
	NENE	35	33.6	ACRES IRRIGATION	39	S	9	E
	NENW	35	31.7	ACRES IRRIGATION	39	S	9	E
	NESE	35	35.5	ACRES IRRIGATION	39	S	9	E
	NESW	35	36.3	ACRES IRRIGATION	39	S	9	E
	NWNE	35	32.8	ACRES IRRIGATION	39	S	9	E
	NWNW	35	35.8	ACRES IRRIGATION	39	S	9	E
	NWSE	35	36.6	ACRES IRRIGATION	39	S	9	E
	NWSW	35	39	ACRES IRRIGATION	39	S	9	E
	SENE	35	35.2	ACRES IRRIGATION	39	S	9	E
	SENW	35	37.2	ACRES IRRIGATION	39	S	9	E
	SESE	35	32	ACRES IRRIGATION	39	S	9	E
	SESW	35	36.1	ACRES IRRIGATION	39	S	9	E
	SWNE	35	33	ACRES IRRIGATION	39	S	9	E
	SWNW	35	38.2	ACRES IRRIGATION	39	S	9	E
	SWSE	35	38.5	ACRES IRRIGATION	39	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	35	36.5	ACRES IRRIGATION	39	S	9	E
	NENE	36	26.8	ACRES IRRIGATION	39	S	9	E
	NENW	36	37	ACRES IRRIGATION	39	S	9	E
	NESE	36	36.5	ACRES IRRIGATION	39	S	9	E
	NESW	36	40	ACRES IRRIGATION	39	S	9	E
	NWNE	36	32	ACRES IRRIGATION	39	S	9	E
	NWNW	36	34.9	ACRES IRRIGATION	39	S	9	E
	NWSE	36	30.2	ACRES IRRIGATION	39	S	9	E
	NWSW	36	37.8	ACRES IRRIGATION	39	S	9	E
	SENE	36	38	ACRES IRRIGATION	39	S	9	E
	SENW	36	38.4	ACRES IRRIGATION	39	S	9	E
	SESE	36	31.6	ACRES IRRIGATION	39	S	9	E
	SESW	36	34.8	ACRES IRRIGATION	39	S	9	E
	SWNE	36	32.3	ACRES IRRIGATION	39	S	9	E
	SWNW	36	34.3	ACRES IRRIGATION	39	S	9	E
	SWSE	36	34.4	ACRES IRRIGATION	39	S	9	E
	SWSW	36	34.5	ACRES IRRIGATION	39	S	9	E
	NESE	2	23.6	ACRES IRRIGATION	39	S	10	E
	NESW	2	23.7	ACRES IRRIGATION	39	S	10	E
	NWSE	2	39.7	ACRES IRRIGATION	39	S	10	E
	SENE	2	29.4	ACRES IRRIGATION	39	S	10	E
	SENW	2	27.1	ACRES IRRIGATION	39	S	10	E
	SESE	2	0.8	ACRES IRRIGATION	39	S	10	E
	SWNE	2	38.8	ACRES IRRIGATION	39	S	10	E
	SWSE	2	22.9	ACRES IRRIGATION	39	S	10	E
	SESW	5	13.2	ACRES IRRIGATION	39	S	10	E
	SWSW	5	12.8	ACRES IRRIGATION	39	S	10	E
	SWSW	6	9	ACRES IRRIGATION	39	S	10	E
	NENE	7	11.3	ACRES IRRIGATION	39	S	10	E
	NENW	7	20.6	ACRES IRRIGATION	39	S	10	E
	NESE	7	1.7	ACRES IRRIGATION	39	S	10	E
	NESW	7	37.8	ACRES IRRIGATION	39	S	10	E
	NWNE	7	29.5	ACRES IRRIGATION	39	S	10	E
	NWNW	7	24.8	ACRES IRRIGATION	39	S	10	E
	NWSE	7	18.6	ACRES IRRIGATION	39	S	10	E
	NWSW	7	21.7	ACRES IRRIGATION	39	S	10	E
	SENE	7	15.1	ACRES IRRIGATION	39	S	10	E
	SENW	7	23.4	ACRES IRRIGATION	39	S	10	E
	SESE	7	20.4	ACRES IRRIGATION	39	S	10	E
	SESW	7	37	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	7	29.6	ACRES IRRIGATION	39	S	10	E
	SWNW	7	24.7	ACRES IRRIGATION	39	S	10	E
	SWSE	7	19.9	ACRES IRRIGATION	39	S	10	E
	SWSW	7	20.1	ACRES IRRIGATION	39	S	10	E
	NENW	8	37.4	ACRES IRRIGATION	39	S	10	E
	NESE	8	23.6	ACRES IRRIGATION	39	S	10	E
	NESW	8	31.2	ACRES IRRIGATION	39	S	10	E
	NWNE	8	33.3	ACRES IRRIGATION	39	S	10	E
	NWNW	8	34.1	ACRES IRRIGATION	39	S	10	E
	NWSE	8	11	ACRES IRRIGATION	39	S	10	E
	NWSW	8	36.7	ACRES IRRIGATION	39	S	10	E
	SENW	8	38.4	ACRES IRRIGATION	39	S	10	E
	SESE	8	29.7	ACRES IRRIGATION	39	S	10	E
	SESW	8	39.3	ACRES IRRIGATION	39	S	10	E
	SWNE	8	19.9	ACRES IRRIGATION	39	S	10	E
	SWNW	8	38.2	ACRES IRRIGATION	39	S	10	E
	SWSE	8	36.1	ACRES IRRIGATION	39	S	10	E
	SWSW	8	40	ACRES IRRIGATION	39	S	10	E
	NESW	9	14.7	ACRES IRRIGATION	39	S	10	E
	NWSW	9	23.2	ACRES IRRIGATION	39	S	10	E
	SESW	9	37.3	ACRES IRRIGATION	39	S	10	E
	SWSW	9	31.8	ACRES IRRIGATION	39	S	10	E
	NENE	11	8.3	ACRES IRRIGATION	39	S	10	E
	NWNE	11	17.9	ACRES IRRIGATION	39	S	10	E
	SENE	11	14.8	ACRES IRRIGATION	39	S	10	E
	SWNE	11	6.8	ACRES IRRIGATION	39	S	10	E
	NENW	12	1.1	ACRES IRRIGATION	39	S	10	E
	NESE	12	34.8	ACRES IRRIGATION	39	S	10	E
	NWNE	12	18	ACRES IRRIGATION	39	S	10	E
	NWNW	12	0.1	ACRES IRRIGATION	39	S	10	E
	NWSE	12	36	ACRES IRRIGATION	39	S	10	E
	SENE	12	20.9	ACRES IRRIGATION	39	S	10	E
	SENW	12	28.6	ACRES IRRIGATION	39	S	10	E
	SESE	12	36.1	ACRES IRRIGATION	39	S	10	E
	SWNE	12	37.8	ACRES IRRIGATION	39	S	10	E
	SWNW	12	0.4	ACRES IRRIGATION	39	S	10	E
	SWSE	12	38	ACRES IRRIGATION	39	S	10	E
	NENE	13	36.4	ACRES IRRIGATION	39	S	10	E
4	NENW	13	0.1	ACRES IRRIGATION	39	S	10	E
9	NESE	13	1.9	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	13	13.3	ACRES IRRIGATION	39	S	10	E
	NWNE	13	40	ACRES IRRIGATION	39	S	10	E
4	NWNW	13	7.9	ACRES IRRIGATION	39	S	10	E
	NWSE	13	15.1	ACRES IRRIGATION	39	S	10	E
	NWSW	13	8	ACRES IRRIGATION	39	S	10	E
1	SENE	13	8.3	ACRES IRRIGATION	39	S	10	E
7	SENW	13	8.9	ACRES IRRIGATION	39	S	10	E
	SESE	13	28.8	ACRES IRRIGATION	39	S	10	E
	SESW	13	4	ACRES IRRIGATION	39	S	10	E
6	SWNW	13	34.8	ACRES IRRIGATION	39	S	10	E
	SWSE	13	29.8	ACRES IRRIGATION	39	S	10	E
10	NESE	14	28.4	ACRES IRRIGATION	39	S	10	E
8	NESW	14	0.1	ACRES IRRIGATION	39	S	10	E
5	NESW	14	10.3	ACRES IRRIGATION	39	S	10	E
4	NWSE	14	9.2	ACRES IRRIGATION	39	S	10	E
9	NWSE	14	14.4	ACRES IRRIGATION	39	S	10	E
2	SENE	14	14.9	ACRES IRRIGATION	39	S	10	E
3	SWNE	14	6.4	ACRES IRRIGATION	39	S	10	E
	NESW	15	2.5	ACRES IRRIGATION	39	S	10	E
	NWSW	15	16.6	ACRES IRRIGATION	39	S	10	E
1	SESE	15	1.2	ACRES IRRIGATION	39	S	10	E
10	SESE	15	1.8	ACRES IRRIGATION	39	S	10	E
	SESW	15	31.4	ACRES IRRIGATION	39	S	10	E
	SWSE	15	20.9	ACRES IRRIGATION	39	S	10	E
	SWSW	15	35.3	ACRES IRRIGATION	39	S	10	E
	NENW	16	36	ACRES IRRIGATION	39	S	10	E
	NESE	16	35.3	ACRES IRRIGATION	39	S	10	E
	NESW	16	33.2	ACRES IRRIGATION	39	S	10	E
	NWNW	16	35.8	ACRES IRRIGATION	39	S	10	E
	NWSE	16	37	ACRES IRRIGATION	39	S	10	E
	NWSW	16	30.6	ACRES IRRIGATION	39	S	10	E
	SENE	16	3.4	ACRES IRRIGATION	39	S	10	E
	SENW	16	37.6	ACRES IRRIGATION	39	S	10	E
	SESE	16	20.4	ACRES IRRIGATION	39	S	10	E
	SESW	16	40	ACRES IRRIGATION	39	S	10	E
	SWNE	16	32	ACRES IRRIGATION	39	S	10	E
	SWNW	16	35	ACRES IRRIGATION	39	S	10	E
	SWSE	16	32.8	ACRES IRRIGATION	39	S	10	E
	SWSW	16	40	ACRES IRRIGATION	39	S	10	E
	NENE	17	39.2	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENW	17	35.6	ACRES IRRIGATION	39	S	10	E
	NESE	17	28.5	ACRES IRRIGATION	39	S	10	E
	NESW	17	30.7	ACRES IRRIGATION	39	S	10	E
	NWNE	17	39.9	ACRES IRRIGATION	39	S	10	E
	NWNW	17	37.6	ACRES IRRIGATION	39	S	10	E
	NWSE	17	25.4	ACRES IRRIGATION	39	S	10	E
	NWSW	17	37.3	ACRES IRRIGATION	39	S	10	E
	SENW	17	35.8	ACRES IRRIGATION	39	S	10	E
	SESE	17	40	ACRES IRRIGATION	39	S	10	E
	SESW	17	37	ACRES IRRIGATION	39	S	10	E
	SWNE	17	35.9	ACRES IRRIGATION	39	S	10	E
	SWNW	17	39.2	ACRES IRRIGATION	39	S	10	E
	SWSE	17	30	ACRES IRRIGATION	39	S	10	E
	SWSW	17	37.5	ACRES IRRIGATION	39	S	10	E
	NENE	18	38.6	ACRES IRRIGATION	39	S	10	E
	NENW	18	31	ACRES IRRIGATION	39	S	10	E
	NESE	18	40	ACRES IRRIGATION	39	S	10	E
	NESW	18	39	ACRES IRRIGATION	39	S	10	E
	NWNE	18	15.4	ACRES IRRIGATION	39	S	10	E
	NWSE	18	33.5	ACRES IRRIGATION	39	S	10	E
3	NWSW	18	36.5	ACRES IRRIGATION	39	S	10	E
	SENE	18	40	ACRES IRRIGATION	39	S	10	E
	SENW	18	36.2	ACRES IRRIGATION	39	S	10	E
	SESE	18	7.8	ACRES IRRIGATION	39	S	10	E
	SESW	18	19.5	ACRES IRRIGATION	39	S	10	E
	SWNE	18	14.4	ACRES IRRIGATION	39	S	10	E
2	SWNW	18	19.8	ACRES IRRIGATION	39	S	10	E
	SWSE	18	38.1	ACRES IRRIGATION	39	S	10	E
4	SWSW	18	28.6	ACRES IRRIGATION	39	S	10	E
	NENW	19	26.4	ACRES IRRIGATION	39	S	10	E
	NESE	19	36.1	ACRES IRRIGATION	39	S	10	E
	NESW	19	38.1	ACRES IRRIGATION	39	S	10	E
	NWNE	19	7.8	ACRES IRRIGATION	39	S	10	E
	NWNW	19	29	ACRES IRRIGATION	39	S	10	E
	NWSE	19	33.4	ACRES IRRIGATION	39	S	10	E
	NWSW	19	36.5	ACRES IRRIGATION	39	S	10	E
	SENE	19	30	ACRES IRRIGATION	39	S	10	E
	SENW	19	38	ACRES IRRIGATION	39	S	10	E
	SESE	19	36.7	ACRES IRRIGATION	39	S	10	E
	SESW	19	39.1	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	19	28	ACRES IRRIGATION	39	S	10	E
	SWNW	19	37.2	ACRES IRRIGATION	39	S	10	E
	SWSE	19	36.5	ACRES IRRIGATION	39	S	10	E
	SWSW	19	34.6	ACRES IRRIGATION	39	S	10	E
	NENW	20	36.4	ACRES IRRIGATION	39	S	10	E
	NESE	20	0.7	ACRES IRRIGATION	39	S	10	E
1	NESE	20	33.2	ACRES IRRIGATION	39	S	10	E
	NESW	20	38.9	ACRES IRRIGATION	39	S	10	E
	NWNW	20	31.2	ACRES IRRIGATION	39	S	10	E
	NWSE	20	39.2	ACRES IRRIGATION	39	S	10	E
	NWSW	20	34.8	ACRES IRRIGATION	39	S	10	E
	SENW	20	38.6	ACRES IRRIGATION	39	S	10	E
	SESE	20	1	ACRES IRRIGATION	39	S	10	E
2	SESE	20	7	ACRES IRRIGATION	39	S	10	E
	SESW	20	36.4	ACRES IRRIGATION	39	S	10	E
	SWNW	20	33.8	ACRES IRRIGATION	39	S	10	E
	SWSE	20	36.6	ACRES IRRIGATION	39	S	10	E
	SWSW	20	30	ACRES IRRIGATION	39	S	10	E
	NENE	21	29.1	ACRES IRRIGATION	39	S	10	E
	NENW	21	40	ACRES IRRIGATION	39	S	10	E
5	NESE	21	10.8	ACRES IRRIGATION	39	S	10	E
	NWNE	21	34.8	ACRES IRRIGATION	39	S	10	E
	NWNW	21	38.3	ACRES IRRIGATION	39	S	10	E
3	NWSE	21	9.6	ACRES IRRIGATION	39	S	10	E
6	NWSE	21	9.7	ACRES IRRIGATION	39	S	10	E
1	NWSW	21	30	ACRES IRRIGATION	39	S	10	E
	SENE	21	29.8	ACRES IRRIGATION	39	S	10	E
	SENW	21	29.2	ACRES IRRIGATION	39	S	10	E
	SESE	21	27.3	ACRES IRRIGATION	39	S	10	E
7	SESW	21	26.3	ACRES IRRIGATION	39	S	10	E
	SWNE	21	39.9	ACRES IRRIGATION	39	S	10	E
	SWNW	21	37.9	ACRES IRRIGATION	39	S	10	E
	SWSE	21	38.2	ACRES IRRIGATION	39	S	10	E
8	SWSW	21	6.2	ACRES IRRIGATION	39	S	10	E
9	NENE	22	4.5	ACRES IRRIGATION	39	S	10	E
8	NENW	22	1.2	ACRES IRRIGATION	39	S	10	E
2	NENW	22	36.4	ACRES IRRIGATION	39	S	10	E
6	NESW	22	35.8	ACRES IRRIGATION	39	S	10	E
	NWNE	22	1.8	ACRES IRRIGATION	39	S	10	E
1	NWNE	22	7.9	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
8	NWNE	22	22	ACRES IRRIGATION	39	S	10	E
	NWNW	22	41.4	ACRES IRRIGATION	39	S	10	E
	NWSE	22	29.8	ACRES IRRIGATION	39	S	10	E
5	NWSW	22	11.4	ACRES IRRIGATION	39	S	10	E
3	SENW	22	8.8	ACRES IRRIGATION	39	S	10	E
7	SENW	22	14	ACRES IRRIGATION	39	S	10	E
	SESW	22	30.3	ACRES IRRIGATION	39	S	10	E
	SWNE	22	36.7	ACRES IRRIGATION	39	S	10	E
	SWNW	22	24.7	ACRES IRRIGATION	39	S	10	E
	SWSE	22	10.7	ACRES IRRIGATION	39	S	10	E
	SWSW	22	17.1	ACRES IRRIGATION	39	S	10	E
	NENW	27	22.7	ACRES IRRIGATION	39	S	10	E
	NESW	27	5.5	ACRES IRRIGATION	39	S	10	E
	NWNW	27	37.9	ACRES IRRIGATION	39	S	10	E
	SENW	27	16.8	ACRES IRRIGATION	39	S	10	E
	SESW	27	25.5	ACRES IRRIGATION	39	S	10	E
	SWNW	27	19.5	ACRES IRRIGATION	39	S	10	E
	SWSW	27	30.9	ACRES IRRIGATION	39	S	10	E
	NENE	28	34.2	ACRES IRRIGATION	39	S	10	E
	NENW	28	36.3	ACRES IRRIGATION	39	S	10	E
	NESE	28	10.6	ACRES IRRIGATION	39	S	10	E
	NESW	28	36.5	ACRES IRRIGATION	39	S	10	E
	NWNE	28	33.2	ACRES IRRIGATION	39	S	10	E
	NWNW	28	36	ACRES IRRIGATION	39	S	10	E
	NWSE	28	39.1	ACRES IRRIGATION	39	S	10	E
	NWSW	28	38.4	ACRES IRRIGATION	39	S	10	E
	SENE	28	20.1	ACRES IRRIGATION	39	S	10	E
	SENW	28	35.1	ACRES IRRIGATION	39	S	10	E
	SESE	28	37.5	ACRES IRRIGATION	39	S	10	E
	SESW	28	35.6	ACRES IRRIGATION	39	S	10	E
	SWNE	28	28.4	ACRES IRRIGATION	39	S	10	E
	SWNW	28	38.9	ACRES IRRIGATION	39	S	10	E
	SWSE	28	36.5	ACRES IRRIGATION	39	S	10	E
	SWSW	28	38.4	ACRES IRRIGATION	39	S	10	E
10	NENE	29	18.3	ACRES IRRIGATION	39	S	10	E
	NENW	29	40	ACRES IRRIGATION	39	S	10	E
	NESE	29	39	ACRES IRRIGATION	39	S	10	E
	NESW	29	3.1	ACRES IRRIGATION	39	S	10	E
3	NESW	29	31.3	ACRES IRRIGATION	39	S	10	E
	NWNE	29	3.3	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
1	NWNE	29	31.8	ACRES IRRIGATION	39	S	10	E
	NWNW	29	33.4	ACRES IRRIGATION	39	S	10	E
8	NWSE	29	24.6	ACRES IRRIGATION	39	S	10	E
	NWSW	29	38.4	ACRES IRRIGATION	39	S	10	E
	SENE	29	42.5	ACRES IRRIGATION	39	S	10	E
	SENW	29	40	ACRES IRRIGATION	39	S	10	E
	SESE	29	37.9	ACRES IRRIGATION	39	S	10	E
	SESW	29	1	ACRES IRRIGATION	39	S	10	E
4	SESW	29	6.2	ACRES IRRIGATION	39	S	10	E
7	SESW	29	10.1	ACRES IRRIGATION	39	S	10	E
2	SWNE	29	9.2	ACRES IRRIGATION	39	S	10	E
9	SWNE	29	13.5	ACRES IRRIGATION	39	S	10	E
	SWNW	29	37.4	ACRES IRRIGATION	39	S	10	E
	SWSE	29	30.3	ACRES IRRIGATION	39	S	10	E
6	SWSW	29	5.7	ACRES IRRIGATION	39	S	10	E
5	SWSW	29	21.4	ACRES IRRIGATION	39	S	10	E
	NENE	30	39.4	ACRES IRRIGATION	39	S	10	E
	NENW	30	32.3	ACRES IRRIGATION	39	S	10	E
	NESE	30	34.1	ACRES IRRIGATION	39	S	10	E
	NESW	30	31.7	ACRES IRRIGATION	39	S	10	E
	NWNE	30	38.5	ACRES IRRIGATION	39	S	10	E
	NWNW	30	29	ACRES IRRIGATION	39	S	10	E
	NWSE	30	34.1	ACRES IRRIGATION	39	S	10	E
	NWSW	30	25.2	ACRES IRRIGATION	39	S	10	E
	SENE	30	39.6	ACRES IRRIGATION	39	S	10	E
	SENW	30	25.3	ACRES IRRIGATION	39	S	10	E
	SESW	30	40	ACRES IRRIGATION	39	S	10	E
	SWNE	30	40	ACRES IRRIGATION	39	S	10	E
	SWNW	30	30.4	ACRES IRRIGATION	39	S	10	E
	SWSE	30	29.9	ACRES IRRIGATION	39	S	10	E
	SWSW	30	13.3	ACRES IRRIGATION	39	S	10	E
1	NENE	31	1.7	ACRES IRRIGATION	39	S	10	E
11	NENE	31	15.4	ACRES IRRIGATION	39	S	10	E
	NENW	31	0.9	ACRES IRRIGATION	39	S	10	E
3	NENW	31	25.1	ACRES IRRIGATION	39	S	10	E
	NESE	31	38.7	ACRES IRRIGATION	39	S	10	E
5	NESW	31	0.9	ACRES IRRIGATION	39	S	10	E
	NWNE	31	3.1	ACRES IRRIGATION	39	S	10	E
10	NWNE	31	8.4	ACRES IRRIGATION	39	S	10	E
2	NWNE	31	20.4	ACRES IRRIGATION	39	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	31	24.3	ACRES IRRIGATION	39	S	10	E
	NWSE	31	31.7	ACRES IRRIGATION	39	S	10	E
	NWSW	31	4.9	ACRES IRRIGATION	39	S	10	E
	SENE	31	38	ACRES IRRIGATION	39	S	10	E
4	SENW	31	18.6	ACRES IRRIGATION	39	S	10	E
	SESE	31	41.5	ACRES IRRIGATION	39	S	10	E
	SESW	31	0.6	ACRES IRRIGATION	39	S	10	E
6	SESW	31	3.3	ACRES IRRIGATION	39	S	10	E
7	SESW	31	10.4	ACRES IRRIGATION	39	S	10	E
	SWNE	31	2.3	ACRES IRRIGATION	39	S	10	E
9	SWNE	31	28	ACRES IRRIGATION	39	S	10	E
	SWNW	31	17	ACRES IRRIGATION	39	S	10	E
	SWSE	31	29.9	ACRES IRRIGATION	39	S	10	E
6	SWSW	31	35.5	ACRES IRRIGATION	39	S	10	E
	NENE	32	24.4	ACRES IRRIGATION	39	S	10	E
	NENW	32	9.3	ACRES IRRIGATION	39	S	10	E
	NWNE	32	6.9	ACRES IRRIGATION	39	S	10	E
	NWSW	32	3.4	ACRES IRRIGATION	39	S	10	E
	SENE	32	2.9	ACRES IRRIGATION	39	S	10	E
	SWSW	32	6.1	ACRES IRRIGATION	39	S	10	E
	NENE	33	19.5	ACRES IRRIGATION	39	S	10	E
	NENW	33	35.8	ACRES IRRIGATION	39	S	10	E
	NESW	33	1.5	ACRES IRRIGATION	39	S	10	E
	NWNE	33	21.1	ACRES IRRIGATION	39	S	10	E
	NWNW	33	30.3	ACRES IRRIGATION	39	S	10	E
	NWSE	33	7.9	ACRES IRRIGATION	39	S	10	E
	SENW	33	13.8	ACRES IRRIGATION	39	S	10	E
	SWNE	33	13.6	ACRES IRRIGATION	39	S	10	E
	NENW	34	0.9	ACRES IRRIGATION	39	S	10	E
	NWNW	34	17.3	ACRES IRRIGATION	39	S	10	E
	NESW	18	38.3	ACRES IRRIGATION	39	S	11.5	E
	NWSE	18	26.8	ACRES IRRIGATION	39	S	11.5	E
3	NWSW	18	13.9	ACRES IRRIGATION	39	S	11.5	E
	SENW	18	31.1	ACRES IRRIGATION	39	S	11.5	E
	SESE	18	12	ACRES IRRIGATION	39	S	11.5	E
	SESW	18	37.1	ACRES IRRIGATION	39	S	11.5	E
	SWNE	18	5.2	ACRES IRRIGATION	39	S	11.5	E
2	SWNW	18	13	ACRES IRRIGATION	39	S	11.5	E
	SWSE	18	36	ACRES IRRIGATION	39	S	11.5	E
4	SWSW	18	14	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENE	19	38	ACRES IRRIGATION	39	S	11.5	E
	NENW	19	16.8	ACRES IRRIGATION	39	S	11.5	E
	NESE	19	40	ACRES IRRIGATION	39	S	11.5	E
9	NESW	19	6.3	ACRES IRRIGATION	39	S	11.5	E
3	NESW	19	15.3	ACRES IRRIGATION	39	S	11.5	E
	NWNE	19	37.4	ACRES IRRIGATION	39	S	11.5	E
1	NWNW	19	8.1	ACRES IRRIGATION	39	S	11.5	E
8	NWSE	19	0.1	ACRES IRRIGATION	39	S	11.5	E
4	NWSE	19	37.4	ACRES IRRIGATION	39	S	11.5	E
10	NWSW	19	4.1	ACRES IRRIGATION	39	S	11.5	E
	SENE	19	40	ACRES IRRIGATION	39	S	11.5	E
	SENW	19	40	ACRES IRRIGATION	39	S	11.5	E
7	SESE	19	2.9	ACRES IRRIGATION	39	S	11.5	E
6	SESE	19	30.5	ACRES IRRIGATION	39	S	11.5	E
9	SESW	19	2	ACRES IRRIGATION	39	S	11.5	E
	SWNE	19	40	ACRES IRRIGATION	39	S	11.5	E
8	SWSE	19	6.7	ACRES IRRIGATION	39	S	11.5	E
5	SWSE	19	7.5	ACRES IRRIGATION	39	S	11.5	E
	NENW	20	3.4	ACRES IRRIGATION	39	S	11.5	E
1	NESE	20	11.9	ACRES IRRIGATION	39	S	11.5	E
8	NESE	20	16	ACRES IRRIGATION	39	S	11.5	E
3	NESW	20	22.5	ACRES IRRIGATION	39	S	11.5	E
	NWNW	20	20.7	ACRES IRRIGATION	39	S	11.5	E
7	NWSE	20	5	ACRES IRRIGATION	39	S	11.5	E
2	NWSE	20	27.3	ACRES IRRIGATION	39	S	11.5	E
4	NWSW	20	28.3	ACRES IRRIGATION	39	S	11.5	E
	SENE	20	0.2	ACRES IRRIGATION	39	S	11.5	E
	SENW	20	34.9	ACRES IRRIGATION	39	S	11.5	E
8	SESE	20	32.8	ACRES IRRIGATION	39	S	11.5	E
6	SESW	20	26.8	ACRES IRRIGATION	39	S	11.5	E
	SWNE	20	8.1	ACRES IRRIGATION	39	S	11.5	E
	SWNW	20	37.2	ACRES IRRIGATION	39	S	11.5	E
7	SWSE	20	32.5	ACRES IRRIGATION	39	S	11.5	E
5	SWSW	20	13.6	ACRES IRRIGATION	39	S	11.5	E
	NENE	21	1.3	ACRES IRRIGATION	39	S	11.5	E
4	NESE	21	26.9	ACRES IRRIGATION	39	S	11.5	E
2	NESW	21	2.7	ACRES IRRIGATION	39	S	11.5	E
8	NESW	21	33.4	ACRES IRRIGATION	39	S	11.5	E
	NWNE	21	2.4	ACRES IRRIGATION	39	S	11.5	E
3	NWSE	21	14.9	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
7	NWSE	21	17.2	ACRES IRRIGATION	39	S	11.5	E
9	NWSW	21	30.5	ACRES IRRIGATION	39	S	11.5	E
	SENE	21	28.4	ACRES IRRIGATION	39	S	11.5	E
8	SENW	21	0.7	ACRES IRRIGATION	39	S	11.5	E
2	SENW	21	24.7	ACRES IRRIGATION	39	S	11.5	E
5	SESE	21	1.9	ACRES IRRIGATION	39	S	11.5	E
	SESW	21	33.2	ACRES IRRIGATION	39	S	11.5	E
	SWNE	21	35.8	ACRES IRRIGATION	39	S	11.5	E
9	SWNW	21	2.3	ACRES IRRIGATION	39	S	11.5	E
6	SWSE	21	19.8	ACRES IRRIGATION	39	S	11.5	E
	SWSW	21	34.2	ACRES IRRIGATION	39	S	11.5	E
	NENW	22	0.8	ACRES IRRIGATION	39	S	11.5	E
	NWNW	22	3.7	ACRES IRRIGATION	39	S	11.5	E
	NWSW	22	30	ACRES IRRIGATION	39	S	11.5	E
	SENW	22	2.9	ACRES IRRIGATION	39	S	11.5	E
	SESE	22	26.4	ACRES IRRIGATION	39	S	11.5	E
	SESW	22	10.6	ACRES IRRIGATION	39	S	11.5	E
	SWNW	22	31.5	ACRES IRRIGATION	39	S	11.5	E
	SWSW	22	27.1	ACRES IRRIGATION	39	S	11.5	E
	SESW	23	4.5	ACRES IRRIGATION	39	S	11.5	E
	SWSW	23	33.7	ACRES IRRIGATION	39	S	11.5	E
9	NESE	25	8.2	ACRES IRRIGATION	39	S	11.5	E
1	NESE	25	9.4	ACRES IRRIGATION	39	S	11.5	E
	NESW	25	35	ACRES IRRIGATION	39	S	11.5	E
2	NWSE	25	35.6	ACRES IRRIGATION	39	S	11.5	E
	NWSW	25	34	ACRES IRRIGATION	39	S	11.5	E
	SENW	25	15.8	ACRES IRRIGATION	39	S	11.5	E
9	SESE	25	34.5	ACRES IRRIGATION	39	S	11.5	E
7	SESW	25	13.3	ACRES IRRIGATION	39	S	11.5	E
4	SESW	25	19.3	ACRES IRRIGATION	39	S	11.5	E
	SWNW	25	0.5	ACRES IRRIGATION	39	S	11.5	E
3	SWSE	25	12.3	ACRES IRRIGATION	39	S	11.5	E
8	SWSE	25	20.4	ACRES IRRIGATION	39	S	11.5	E
6	SWSW	25	8.6	ACRES IRRIGATION	39	S	11.5	E
5	SWSW	25	24.7	ACRES IRRIGATION	39	S	11.5	E
	NENW	26	31	ACRES IRRIGATION	39	S	11.5	E
	NESE	26	37.6	ACRES IRRIGATION	39	S	11.5	E
	NESW	26	40	ACRES IRRIGATION	39	S	11.5	E
	NWNE	26	14.4	ACRES IRRIGATION	39	S	11.5	E
	NWNW	26	39	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSE	26	37.3	ACRES IRRIGATION	39	S	11.5	E
	NWSW	26	38.9	ACRES IRRIGATION	39	S	11.5	E
	SENE	26	12.3	ACRES IRRIGATION	39	S	11.5	E
	SENW	26	40	ACRES IRRIGATION	39	S	11.5	E
1	SESE	26	37.2	ACRES IRRIGATION	39	S	11.5	E
	SESW	26	37.3	ACRES IRRIGATION	39	S	11.5	E
	SWNE	26	33.2	ACRES IRRIGATION	39	S	11.5	E
	SWNW	26	35.3	ACRES IRRIGATION	39	S	11.5	E
	SWSE	26	35.8	ACRES IRRIGATION	39	S	11.5	E
	SWSW	26	35.8	ACRES IRRIGATION	39	S	11.5	E
	NENE	27	26	ACRES IRRIGATION	39	S	11.5	E
	NENW	27	24.8	ACRES IRRIGATION	39	S	11.5	E
	NESE	27	38.6	ACRES IRRIGATION	39	S	11.5	E
8	NESW	27	5.9	ACRES IRRIGATION	39	S	11.5	E
3	NESW	27	20.6	ACRES IRRIGATION	39	S	11.5	E
4	NWSE	27	22.7	ACRES IRRIGATION	39	S	11.5	E
2	NWSW	27	3	ACRES IRRIGATION	39	S	11.5	E
9	NWSW	27	24.4	ACRES IRRIGATION	39	S	11.5	E
	SENE	27	12.6	ACRES IRRIGATION	39	S	11.5	E
	SENW	27	29.1	ACRES IRRIGATION	39	S	11.5	E
6	SESE	27	33.2	ACRES IRRIGATION	39	S	11.5	E
8	SESW	27	27.8	ACRES IRRIGATION	39	S	11.5	E
1	SWNW	27	35.5	ACRES IRRIGATION	39	S	11.5	E
7	SWSE	27	13.1	ACRES IRRIGATION	39	S	11.5	E
5	SWSE	27	13.5	ACRES IRRIGATION	39	S	11.5	E
	SWSW	27	38.8	ACRES IRRIGATION	39	S	11.5	E
	NENW	28	36.8	ACRES IRRIGATION	39	S	11.5	E
	NESE	28	36.5	ACRES IRRIGATION	39	S	11.5	E
	NESW	28	38.3	ACRES IRRIGATION	39	S	11.5	E
4	NWNE	28	32.2	ACRES IRRIGATION	39	S	11.5	E
	NWNW	28	34	ACRES IRRIGATION	39	S	11.5	E
	NWSE	28	35.5	ACRES IRRIGATION	39	S	11.5	E
	NWSW	28	36	ACRES IRRIGATION	39	S	11.5	E
3	SENE	28	23.7	ACRES IRRIGATION	39	S	11.5	E
	SENW	28	38	ACRES IRRIGATION	39	S	11.5	E
	SESE	28	35.6	ACRES IRRIGATION	39	S	11.5	E
	SESW	28	32.7	ACRES IRRIGATION	39	S	11.5	E
	SWNE	28	37.4	ACRES IRRIGATION	39	S	11.5	E
	SWNW	28	37.7	ACRES IRRIGATION	39	S	11.5	E
	SWSE	28	38.4	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	28	32.8	ACRES IRRIGATION	39	S	11.5	E
	NENE	29	35.1	ACRES IRRIGATION	39	S	11.5	E
	NENW	29	0.1	ACRES IRRIGATION	39	S	11.5	E
	NESE	29	34.8	ACRES IRRIGATION	39	S	11.5	E
	NESW	29	19.1	ACRES IRRIGATION	39	S	11.5	E
	NWNE	29	23.6	ACRES IRRIGATION	39	S	11.5	E
	NWNW	29	20.6	ACRES IRRIGATION	39	S	11.5	E
	NWSE	29	34.9	ACRES IRRIGATION	39	S	11.5	E
	SENE	29	37.2	ACRES IRRIGATION	39	S	11.5	E
	SENW	29	3.2	ACRES IRRIGATION	39	S	11.5	E
	SESE	29	33.3	ACRES IRRIGATION	39	S	11.5	E
	SESW	29	6.5	ACRES IRRIGATION	39	S	11.5	E
	SWNE	29	34.5	ACRES IRRIGATION	39	S	11.5	E
	SWNW	29	15.4	ACRES IRRIGATION	39	S	11.5	E
	SWSE	29	38.4	ACRES IRRIGATION	39	S	11.5	E
	NENE	30	24.9	ACRES IRRIGATION	39	S	11.5	E
	SENE	30	1.1	ACRES IRRIGATION	39	S	11.5	E
	NENE	32	33.7	ACRES IRRIGATION	39	S	11.5	E
	NESE	32	16.9	ACRES IRRIGATION	39	S	11.5	E
	NWNE	32	7.8	ACRES IRRIGATION	39	S	11.5	E
	SENE	32	10	ACRES IRRIGATION	39	S	11.5	E
	SESE	32	32.7	ACRES IRRIGATION	39	S	11.5	E
	SWSE	32	2.8	ACRES IRRIGATION	39	S	11.5	E
	NENE	33	36.8	ACRES IRRIGATION	39	S	11.5	E
	NENW	33	35.6	ACRES IRRIGATION	39	S	11.5	E
	NESE	33	39.2	ACRES IRRIGATION	39	S	11.5	E
	NESW	33	38.9	ACRES IRRIGATION	39	S	11.5	E
	NWNE	33	33.1	ACRES IRRIGATION	39	S	11.5	E
	NWNW	33	32.9	ACRES IRRIGATION	39	S	11.5	E
	NWSE	33	37	ACRES IRRIGATION	39	S	11.5	E
	NWSW	33	37.9	ACRES IRRIGATION	39	S	11.5	E
	SENE	33	36.8	ACRES IRRIGATION	39	S	11.5	E
	SENW	33	40	ACRES IRRIGATION	39	S	11.5	E
	SESE	33	37.3	ACRES IRRIGATION	39	S	11.5	E
	SESW	33	36.9	ACRES IRRIGATION	39	S	11.5	E
	SWNE	33	38.3	ACRES IRRIGATION	39	S	11.5	E
	SWNW	33	38	ACRES IRRIGATION	39	S	11.5	E
	SWSE	33	38.4	ACRES IRRIGATION	39	S	11.5	E
	SWSW	33	38.1	ACRES IRRIGATION	39	S	11.5	E
1	NENE	34	30.1	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENW	34	36.1	ACRES IRRIGATION	39	S	11.5	E
	NESE	34	36.8	ACRES IRRIGATION	39	S	11.5	E
	NESW	34	38	ACRES IRRIGATION	39	S	11.5	E
4	NWNE	34	30.1	ACRES IRRIGATION	39	S	11.5	E
	NWNW	34	39.5	ACRES IRRIGATION	39	S	11.5	E
	NWSE	34	36	ACRES IRRIGATION	39	S	11.5	E
	NWSW	34	37.9	ACRES IRRIGATION	39	S	11.5	E
2	SENE	34	3.8	ACRES IRRIGATION	39	S	11.5	E
3	SENE	34	16.8	ACRES IRRIGATION	39	S	11.5	E
	SENW	34	36.5	ACRES IRRIGATION	39	S	11.5	E
	SESE	34	35.3	ACRES IRRIGATION	39	S	11.5	E
	SESW	34	36.8	ACRES IRRIGATION	39	S	11.5	E
	SWNE	34	33.2	ACRES IRRIGATION	39	S	11.5	E
	SWNW	34	37.8	ACRES IRRIGATION	39	S	11.5	E
	SWSE	34	35.9	ACRES IRRIGATION	39	S	11.5	E
	SWSW	34	37.1	ACRES IRRIGATION	39	S	11.5	E
1	NENE	35	14.6	ACRES IRRIGATION	39	S	11.5	E
16	NENE	35	15.4	ACRES IRRIGATION	39	S	11.5	E
	NENW	35	35.7	ACRES IRRIGATION	39	S	11.5	E
3	NESE	35	5.6	ACRES IRRIGATION	39	S	11.5	E
14	NESE	35	27.2	ACRES IRRIGATION	39	S	11.5	E
6	NESW	35	0.7	ACRES IRRIGATION	39	S	11.5	E
4	NESW	35	9	ACRES IRRIGATION	39	S	11.5	E
	NWNE	35	29.5	ACRES IRRIGATION	39	S	11.5	E
	NWNW	35	35.9	ACRES IRRIGATION	39	S	11.5	E
13	NWSE	35	4.2	ACRES IRRIGATION	39	S	11.5	E
3	NWSE	35	33	ACRES IRRIGATION	39	S	11.5	E
7	NWSW	35	3.2	ACRES IRRIGATION	39	S	11.5	E
10	NWSW	35	6.7	ACRES IRRIGATION	39	S	11.5	E
2	SENE	35	9.4	ACRES IRRIGATION	39	S	11.5	E
15	SENE	35	21.8	ACRES IRRIGATION	39	S	11.5	E
5	SENW	35	35.6	ACRES IRRIGATION	39	S	11.5	E
	SESE	35	37.1	ACRES IRRIGATION	39	S	11.5	E
4	SESW	35	0.1	ACRES IRRIGATION	39	S	11.5	E
12	SESW	35	31.2	ACRES IRRIGATION	39	S	11.5	E
	SWNE	35	39	ACRES IRRIGATION	39	S	11.5	E
9	SWNW	35	3.3	ACRES IRRIGATION	39	S	11.5	E
8	SWNW	35	30.3	ACRES IRRIGATION	39	S	11.5	E
3	SWSE	35	3.4	ACRES IRRIGATION	39	S	11.5	E
13	SWSE	35	29.7	ACRES IRRIGATION	39	S	11.5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	35	38	ACRES IRRIGATION	39	S	11.5	E
	NENE	36	37.7	ACRES IRRIGATION	39	S	11.5	E
	NENW	36	28.5	ACRES IRRIGATION	39	S	11.5	E
	NESE	36	40	ACRES IRRIGATION	39	S	11.5	E
	NESW	36	40	ACRES IRRIGATION	39	S	11.5	E
	NWNE	36	39.4	ACRES IRRIGATION	39	S	11.5	E
1	NWNW	36	38.4	ACRES IRRIGATION	39	S	11.5	E
	NWSE	36	38.2	ACRES IRRIGATION	39	S	11.5	E
	NWSW	36	36.1	ACRES IRRIGATION	39	S	11.5	E
	SENE	36	36.5	ACRES IRRIGATION	39	S	11.5	E
	SENW	36	28.5	ACRES IRRIGATION	39	S	11.5	E
	SESE	36	37.8	ACRES IRRIGATION	39	S	11.5	E
	SESW	36	39.3	ACRES IRRIGATION	39	S	11.5	E
	SWNE	36	32.5	ACRES IRRIGATION	39	S	11.5	E
	SWNW	36	39.2	ACRES IRRIGATION	39	S	11.5	E
	SWSW	36	38	ACRES IRRIGATION	39	S	11.5	E
	NESE	1	3.4	ACRES IRRIGATION	40	S	8	E
	NESW	1	36.1	ACRES IRRIGATION	40	S	8	E
	NWSE	1	27.3	ACRES IRRIGATION	40	S	8	E
	SENW	1	16.7	ACRES IRRIGATION	40	S	8	E
3	SESE	1	1.7	ACRES IRRIGATION	40	S	8	E
	SESE	1	26.6	ACRES IRRIGATION	40	S	8	E
	SESW	1	40	ACRES IRRIGATION	40	S	8	E
	SWNE	1	6.4	ACRES IRRIGATION	40	S	8	E
	SWSE	1	40	ACRES IRRIGATION	40	S	8	E
	SWSW	1	6	ACRES IRRIGATION	40	S	8	E
8	NENW	5	5.7	ACRES IRRIGATION	40	S	8	E
9	NWNW	5	1.7	ACRES IRRIGATION	40	S	8	E
	NESE	11	2.3	ACRES IRRIGATION	40	S	8	E
	SESE	11	13.6	ACRES IRRIGATION	40	S	8	E
	NENE	12	40	ACRES IRRIGATION	40	S	8	E
	NENW	12	40	ACRES IRRIGATION	40	S	8	E
	NESE	12	39	ACRES IRRIGATION	40	S	8	E
	NESW	12	39	ACRES IRRIGATION	40	S	8	E
	NWNE	12	40	ACRES IRRIGATION	40	S	8	E
	NWNW	12	18	ACRES IRRIGATION	40	S	8	E
	NWSW	12	37.9	ACRES IRRIGATION	40	S	8	E
	SENE	12	39	ACRES IRRIGATION	40	S	8	E
	SENW	12	39	ACRES IRRIGATION	40	S	8	E
	SESE	12	40	ACRES IRRIGATION	40	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	12	40	ACRES IRRIGATION	40	S	8	E
	SWNE	12	39	ACRES IRRIGATION	40	S	8	E
	SWNW	12	29.1	ACRES IRRIGATION	40	S	8	E
	SWSE	12	40	ACRES IRRIGATION	40	S	8	E
	SWSW	12	40	ACRES IRRIGATION	40	S	8	E
	NENE	13	39	ACRES IRRIGATION	40	S	8	E
	NENW	13	39	ACRES IRRIGATION	40	S	8	E
	NESE	13	39	ACRES IRRIGATION	40	S	8	E
	NESW	13	39	ACRES IRRIGATION	40	S	8	E
	NWNE	13	39	ACRES IRRIGATION	40	S	8	E
	NWNW	13	39	ACRES IRRIGATION	40	S	8	E
	NWSE	13	39	ACRES IRRIGATION	40	S	8	E
	NWSW	13	39	ACRES IRRIGATION	40	S	8	E
	SENE	13	39	ACRES IRRIGATION	40	S	8	E
	SENW	13	39.2	ACRES IRRIGATION	40	S	8	E
	SESE	13	40	ACRES IRRIGATION	40	S	8	E
	SESW	13	40	ACRES IRRIGATION	40	S	8	E
	SWNE	13	39	ACRES IRRIGATION	40	S	8	E
	SWNW	13	39.2	ACRES IRRIGATION	40	S	8	E
	SWSE	13	40	ACRES IRRIGATION	40	S	8	E
	SWSW	13	40	ACRES IRRIGATION	40	S	8	E
	NENE	14	26.6	ACRES IRRIGATION	40	S	8	E
	NESE	14	40	ACRES IRRIGATION	40	S	8	E
	NWSE	14	11.1	ACRES IRRIGATION	40	S	8	E
	SENE	14	38.5	ACRES IRRIGATION	40	S	8	E
	SESE	14	40	ACRES IRRIGATION	40	S	8	E
	SWNE	14	0.4	ACRES IRRIGATION	40	S	8	E
	SWSE	14	21.2	ACRES IRRIGATION	40	S	8	E
	SESE	16	0.7	ACRES IRRIGATION	40	S	8	E
6	SESE	16	9.8	ACRES IRRIGATION	40	S	8	E
	SWSE	16	2.5	ACRES IRRIGATION	40	S	8	E
5	SWSE	16	15.3	ACRES IRRIGATION	40	S	8	E
	NENE	21	40	ACRES IRRIGATION	40	S	8	E
	NESE	21	23.1	ACRES IRRIGATION	40	S	8	E
	NESW	21	19	ACRES IRRIGATION	40	S	8	E
1	NWNE	21	8	ACRES IRRIGATION	40	S	8	E
4	NWNE	21	17.6	ACRES IRRIGATION	40	S	8	E
	NWSE	21	37.3	ACRES IRRIGATION	40	S	8	E
2	SENE	21	1.8	ACRES IRRIGATION	40	S	8	E
3	SENE	21	8	ACRES IRRIGATION	40	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	21	4.8	ACRES IRRIGATION	40	S	8	E
	SESE	21	20.4	ACRES IRRIGATION	40	S	8	E
	SWNE	21	14.1	ACRES IRRIGATION	40	S	8	E
	SWSE	21	1.1	ACRES IRRIGATION	40	S	8	E
10	NESE	22	12.7	ACRES IRRIGATION	40	S	8	E
8	NESW	22	12.5	ACRES IRRIGATION	40	S	8	E
	NWNE	22	37.9	ACRES IRRIGATION	40	S	8	E
3	NWSE	22	1.8	ACRES IRRIGATION	40	S	8	E
7	NWSE	22	25.1	ACRES IRRIGATION	40	S	8	E
	NWSW	22	2	ACRES IRRIGATION	40	S	8	E
5	SENE	22	12.5	ACRES IRRIGATION	40	S	8	E
10	SENE	22	15.2	ACRES IRRIGATION	40	S	8	E
	SENW	22	20	ACRES IRRIGATION	40	S	8	E
11	SESE	22	1.3	ACRES IRRIGATION	40	S	8	E
	SESW	22	6.7	ACRES IRRIGATION	40	S	8	E
6	SWNE	22	36.8	ACRES IRRIGATION	40	S	8	E
1	SWNW	22	0.4	ACRES IRRIGATION	40	S	8	E
9	SWNW	22	30	ACRES IRRIGATION	40	S	8	E
	SWSE	22	3.6	ACRES IRRIGATION	40	S	8	E
	SWSW	22	34.7	ACRES IRRIGATION	40	S	8	E
	NENE	23	31.3	ACRES IRRIGATION	40	S	8	E
	NESE	23	40	ACRES IRRIGATION	40	S	8	E
6	NESW	23	18.3	ACRES IRRIGATION	40	S	8	E
	NWNE	23	13.8	ACRES IRRIGATION	40	S	8	E
	NWSE	23	39.2	ACRES IRRIGATION	40	S	8	E
7	NWSW	23	38	ACRES IRRIGATION	40	S	8	E
	SENE	23	39.8	ACRES IRRIGATION	40	S	8	E
5	SENW	23	1.6	ACRES IRRIGATION	40	S	8	E
	SESE	23	33.6	ACRES IRRIGATION	40	S	8	E
	SESW	23	25.8	ACRES IRRIGATION	40	S	8	E
8	SWNW	23	3	ACRES IRRIGATION	40	S	8	E
	SWSE	23	37.9	ACRES IRRIGATION	40	S	8	E
	NENE	24	40	ACRES IRRIGATION	40	S	8	E
	NENW	24	38.9	ACRES IRRIGATION	40	S	8	E
	NESE	24	28	ACRES IRRIGATION	40	S	8	E
	NESW	24	34.2	ACRES IRRIGATION	40	S	8	E
	NWNE	24	40	ACRES IRRIGATION	40	S	8	E
	NWNW	24	29.7	ACRES IRRIGATION	40	S	8	E
	NWSE	24	34.2	ACRES IRRIGATION	40	S	8	E
	NWSW	24	32.4	ACRES IRRIGATION	40	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	24	38.2	ACRES IRRIGATION	40	S	8	E
	SENW	24	25.6	ACRES IRRIGATION	40	S	8	E
	SESE	24	39	ACRES IRRIGATION	40	S	8	E
	SESW	24	33.3	ACRES IRRIGATION	40	S	8	E
	SWNE	24	35.9	ACRES IRRIGATION	40	S	8	E
	SWNW	24	33.8	ACRES IRRIGATION	40	S	8	E
	SWSE	24	36.4	ACRES IRRIGATION	40	S	8	E
	SWSW	24	32.5	ACRES IRRIGATION	40	S	8	E
	NENE	25	38	ACRES IRRIGATION	40	S	8	E
	NENW	25	34.4	ACRES IRRIGATION	40	S	8	E
	NESE	25	40	ACRES IRRIGATION	40	S	8	E
	NESW	25	33.5	ACRES IRRIGATION	40	S	8	E
	NWNE	25	36	ACRES IRRIGATION	40	S	8	E
	NWNW	25	27.5	ACRES IRRIGATION	40	S	8	E
	NWSE	25	33.5	ACRES IRRIGATION	40	S	8	E
	NWSW	25	35.2	ACRES IRRIGATION	40	S	8	E
	SENE	25	27	ACRES IRRIGATION	40	S	8	E
	SENW	25	13.3	ACRES IRRIGATION	40	S	8	E
	SESE	25	40	ACRES IRRIGATION	40	S	8	E
	SESW	25	39.8	ACRES IRRIGATION	40	S	8	E
	SWNE	25	38.5	ACRES IRRIGATION	40	S	8	E
	SWNW	25	26.5	ACRES IRRIGATION	40	S	8	E
	SWSE	25	38	ACRES IRRIGATION	40	S	8	E
	SWSW	25	36.6	ACRES IRRIGATION	40	S	8	E
	NENE	26	35	ACRES IRRIGATION	40	S	8	E
	NENW	26	37.2	ACRES IRRIGATION	40	S	8	E
	NESE	26	40	ACRES IRRIGATION	40	S	8	E
	NESW	26	30.9	ACRES IRRIGATION	40	S	8	E
	NWNE	26	39.7	ACRES IRRIGATION	40	S	8	E
	NWSE	26	40	ACRES IRRIGATION	40	S	8	E
	NWSW	26	30.4	ACRES IRRIGATION	40	S	8	E
	SENE	26	30	ACRES IRRIGATION	40	S	8	E
	SENW	26	27.1	ACRES IRRIGATION	40	S	8	E
	SESE	26	39.6	ACRES IRRIGATION	40	S	8	E
	SESW	26	30.7	ACRES IRRIGATION	40	S	8	E
	SWNE	26	37.2	ACRES IRRIGATION	40	S	8	E
	SWNW	26	9.9	ACRES IRRIGATION	40	S	8	E
	SWSE	26	39.6	ACRES IRRIGATION	40	S	8	E
	SWSW	26	38.3	ACRES IRRIGATION	40	S	8	E
	NENW	27	14.5	ACRES IRRIGATION	40	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	27	4.4	ACRES IRRIGATION	40	S	8	E
	NWNW	27	16.9	ACRES IRRIGATION	40	S	8	E
5	NWSE	27	0.8	ACRES IRRIGATION	40	S	8	E
2	NWSE	27	18.1	ACRES IRRIGATION	40	S	8	E
	SENW	27	12.5	ACRES IRRIGATION	40	S	8	E
	SESE	27	23.6	ACRES IRRIGATION	40	S	8	E
	SWNE	27	4	ACRES IRRIGATION	40	S	8	E
3	SWSE	27	11.9	ACRES IRRIGATION	40	S	8	E
14	NENE	34	37.9	ACRES IRRIGATION	40	S	8	E
12	NESE	34	27.8	ACRES IRRIGATION	40	S	8	E
7	NESW	34	1.5	ACRES IRRIGATION	40	S	8	E
8	NWSE	34	18.5	ACRES IRRIGATION	40	S	8	E
13	SENE	34	35.8	ACRES IRRIGATION	40	S	8	E
11	SESE	34	33.4	ACRES IRRIGATION	40	S	8	E
5	SESW	34	0.1	ACRES IRRIGATION	40	S	8	E
6	SESW	34	1.9	ACRES IRRIGATION	40	S	8	E
9	SESW	34	11.5	ACRES IRRIGATION	40	S	8	E
10	SWSE	34	39.3	ACRES IRRIGATION	40	S	8	E
	NENE	35	38.8	ACRES IRRIGATION	40	S	8	E
	NENW	35	30.1	ACRES IRRIGATION	40	S	8	E
	NESE	35	38.1	ACRES IRRIGATION	40	S	8	E
	NESW	35	29.5	ACRES IRRIGATION	40	S	8	E
	NWNE	35	39	ACRES IRRIGATION	40	S	8	E
	NWNW	35	38.4	ACRES IRRIGATION	40	S	8	E
	NWSE	35	38	ACRES IRRIGATION	40	S	8	E
	NWSW	35	36.8	ACRES IRRIGATION	40	S	8	E
	SENE	35	36.2	ACRES IRRIGATION	40	S	8	E
	SENW	35	28.7	ACRES IRRIGATION	40	S	8	E
	SESE	35	38	ACRES IRRIGATION	40	S	8	E
	SESW	35	30.9	ACRES IRRIGATION	40	S	8	E
	SWNE	35	38	ACRES IRRIGATION	40	S	8	E
	SWNW	35	32.9	ACRES IRRIGATION	40	S	8	E
	SWSE	35	30.2	ACRES IRRIGATION	40	S	8	E
	SWSW	35	35.5	ACRES IRRIGATION	40	S	8	E
	NENE	36	40	ACRES IRRIGATION	40	S	8	E
	NENW	36	40	ACRES IRRIGATION	40	S	8	E
	NESE	36	40	ACRES IRRIGATION	40	S	8	E
	NESW	36	40	ACRES IRRIGATION	40	S	8	E
	NWNE	36	37.4	ACRES IRRIGATION	40	S	8	E
	NWNW	36	36	ACRES IRRIGATION	40	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSE	36	37.2	ACRES IRRIGATION	40	S	8	E
	NWSW	36	37	ACRES IRRIGATION	40	S	8	E
	SENE	36	40	ACRES IRRIGATION	40	S	8	E
	SENW	36	40	ACRES IRRIGATION	40	S	8	E
	SESE	36	39.2	ACRES IRRIGATION	40	S	8	E
	SESW	36	39.2	ACRES IRRIGATION	40	S	8	E
	SWNE	36	37.4	ACRES IRRIGATION	40	S	8	E
	SWNW	36	36.4	ACRES IRRIGATION	40	S	8	E
	SWSE	36	36.3	ACRES IRRIGATION	40	S	8	E
	SWSW	36	36.1	ACRES IRRIGATION	40	S	8	E
1	NENE	1	30.1	ACRES IRRIGATION	40	S	9	E
3	NENW	1	30.4	ACRES IRRIGATION	40	S	9	E
	NESE	1	31.2	ACRES IRRIGATION	40	S	9	E
	NESW	1	28.9	ACRES IRRIGATION	40	S	9	E
2	NWNE	1	36.1	ACRES IRRIGATION	40	S	9	E
4	NWNW	1	33.1	ACRES IRRIGATION	40	S	9	E
	NWSE	1	36.8	ACRES IRRIGATION	40	S	9	E
	NWSW	1	29.7	ACRES IRRIGATION	40	S	9	E
	SENE	1	34.2	ACRES IRRIGATION	40	S	9	E
	SENW	1	27.8	ACRES IRRIGATION	40	S	9	E
	SESE	1	30.8	ACRES IRRIGATION	40	S	9	E
	SESW	1	30.8	ACRES IRRIGATION	40	S	9	E
	SWNE	1	34.7	ACRES IRRIGATION	40	S	9	E
	SWNW	1	31	ACRES IRRIGATION	40	S	9	E
	SWSE	1	28.1	ACRES IRRIGATION	40	S	9	E
	SWSW	1	37	ACRES IRRIGATION	40	S	9	E
1	NENE	2	33.2	ACRES IRRIGATION	40	S	9	E
3	NENW	2	35.6	ACRES IRRIGATION	40	S	9	E
	NESE	2	38.1	ACRES IRRIGATION	40	S	9	E
	NESW	2	35.6	ACRES IRRIGATION	40	S	9	E
2	NWNE	2	33.1	ACRES IRRIGATION	40	S	9	E
4	NWNW	2	32.7	ACRES IRRIGATION	40	S	9	E
	NWSE	2	40	ACRES IRRIGATION	40	S	9	E
	NWSW	2	28.8	ACRES IRRIGATION	40	S	9	E
	SENE	2	38.4	ACRES IRRIGATION	40	S	9	E
	SENW	2	31.2	ACRES IRRIGATION	40	S	9	E
	SESE	2	37	ACRES IRRIGATION	40	S	9	E
	SESW	2	37.1	ACRES IRRIGATION	40	S	9	E
	SWNE	2	37.5	ACRES IRRIGATION	40	S	9	E
	SWNW	2	15	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSE	2	37.5	ACRES IRRIGATION	40	S	9	E
	SWSW	2	36.5	ACRES IRRIGATION	40	S	9	E
1	NENE	3	38	ACRES IRRIGATION	40	S	9	E
3	NENW	3	35.6	ACRES IRRIGATION	40	S	9	E
	NESE	3	34.4	ACRES IRRIGATION	40	S	9	E
	NESW	3	39.7	ACRES IRRIGATION	40	S	9	E
2	NWNE	3	36.3	ACRES IRRIGATION	40	S	9	E
4	NWNW	3	25.5	ACRES IRRIGATION	40	S	9	E
	NWSE	3	40	ACRES IRRIGATION	40	S	9	E
	NWSW	3	39.7	ACRES IRRIGATION	40	S	9	E
	SENE	3	37.8	ACRES IRRIGATION	40	S	9	E
	SENW	3	39	ACRES IRRIGATION	40	S	9	E
	SESE	3	34.7	ACRES IRRIGATION	40	S	9	E
	SESW	3	37.8	ACRES IRRIGATION	40	S	9	E
	SWNE	3	39.4	ACRES IRRIGATION	40	S	9	E
	SWNW	3	40	ACRES IRRIGATION	40	S	9	E
	SWSE	3	38.8	ACRES IRRIGATION	40	S	9	E
	SWSW	3	36.3	ACRES IRRIGATION	40	S	9	E
1	NENE	4	35.1	ACRES IRRIGATION	40	S	9	E
3	NENW	4	37	ACRES IRRIGATION	40	S	9	E
	NESE	4	36.4	ACRES IRRIGATION	40	S	9	E
	NESW	4	13.3	ACRES IRRIGATION	40	S	9	E
2	NWNE	4	31	ACRES IRRIGATION	40	S	9	E
4	NWNW	4	36.2	ACRES IRRIGATION	40	S	9	E
	NWSE	4	33.6	ACRES IRRIGATION	40	S	9	E
	NWSW	4	29	ACRES IRRIGATION	40	S	9	E
	SENE	4	37.4	ACRES IRRIGATION	40	S	9	E
	SENW	4	40	ACRES IRRIGATION	40	S	9	E
	SESE	4	33.8	ACRES IRRIGATION	40	S	9	E
	SESW	4	28.8	ACRES IRRIGATION	40	S	9	E
	SWNW	4	35.4	ACRES IRRIGATION	40	S	9	E
	SWSE	4	32.5	ACRES IRRIGATION	40	S	9	E
	SWSW	4	35.4	ACRES IRRIGATION	40	S	9	E
3	NENW	5	39	ACRES IRRIGATION	40	S	9	E
	NESW	5	40	ACRES IRRIGATION	40	S	9	E
2	NWNE	5	19.3	ACRES IRRIGATION	40	S	9	E
4	NWNW	5	38.4	ACRES IRRIGATION	40	S	9	E
	NWSE	5	40	ACRES IRRIGATION	40	S	9	E
	NWSW	5	40	ACRES IRRIGATION	40	S	9	E
	SENE	5	32.1	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	5	40	ACRES IRRIGATION	40	S	9	E
	SESE	5	36.2	ACRES IRRIGATION	40	S	9	E
	SESW	5	38	ACRES IRRIGATION	40	S	9	E
	SWNE	5	31.8	ACRES IRRIGATION	40	S	9	E
	SWNW	5	40	ACRES IRRIGATION	40	S	9	E
	SWSE	5	38	ACRES IRRIGATION	40	S	9	E
	SWSW	5	37.8	ACRES IRRIGATION	40	S	9	E
	NESE	6	40	ACRES IRRIGATION	40	S	9	E
	NESW	6	40	ACRES IRRIGATION	40	S	9	E
	NWSE	6	40	ACRES IRRIGATION	40	S	9	E
	NWSW	6	17.2	ACRES IRRIGATION	40	S	9	E
	SESE	6	38.8	ACRES IRRIGATION	40	S	9	E
	SESW	6	38.8	ACRES IRRIGATION	40	S	9	E
	SWSE	6	38.8	ACRES IRRIGATION	40	S	9	E
1	SWSW	6	32.3	ACRES IRRIGATION	40	S	9	E
	NENE	7	23.6	ACRES IRRIGATION	40	S	9	E
7	NENW	7	1.3	ACRES IRRIGATION	40	S	9	E
2	NENW	7	6	ACRES IRRIGATION	40	S	9	E
10	NENW	7	26.2	ACRES IRRIGATION	40	S	9	E
13	NESE	7	31.6	ACRES IRRIGATION	40	S	9	E
	NESW	7	36	ACRES IRRIGATION	40	S	9	E
6	NWNE	7	0.3	ACRES IRRIGATION	40	S	9	E
11	NWNE	7	5.4	ACRES IRRIGATION	40	S	9	E
3	NWNE	7	13.1	ACRES IRRIGATION	40	S	9	E
8	NWNW	7	2.8	ACRES IRRIGATION	40	S	9	E
1	NWNW	7	6.4	ACRES IRRIGATION	40	S	9	E
9	NWNW	7	28	ACRES IRRIGATION	40	S	9	E
	NWSE	7	36	ACRES IRRIGATION	40	S	9	E
	NWSW	7	36	ACRES IRRIGATION	40	S	9	E
12	SENE	7	2.9	ACRES IRRIGATION	40	S	9	E
4	SENE	7	3	ACRES IRRIGATION	40	S	9	E
	SENW	7	40	ACRES IRRIGATION	40	S	9	E
	SESE	7	40	ACRES IRRIGATION	40	S	9	E
	SESW	7	40	ACRES IRRIGATION	40	S	9	E
12	SWNE	7	35.1	ACRES IRRIGATION	40	S	9	E
	SWNW	7	40	ACRES IRRIGATION	40	S	9	E
	SWSE	7	40	ACRES IRRIGATION	40	S	9	E
	SWSW	7	40	ACRES IRRIGATION	40	S	9	E
	NENE	8	32.6	ACRES IRRIGATION	40	S	9	E
	NENW	8	38.2	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESE	8	26.2	ACRES IRRIGATION	40	S	9	E
	NESW	8	2.5	ACRES IRRIGATION	40	S	9	E
	NWNE	8	38.1	ACRES IRRIGATION	40	S	9	E
	NWNW	8	36.8	ACRES IRRIGATION	40	S	9	E
	NWSE	8	1	ACRES IRRIGATION	40	S	9	E
5	NWSW	8	0.8	ACRES IRRIGATION	40	S	9	E
	SENE	8	34.2	ACRES IRRIGATION	40	S	9	E
	SENW	8	32.8	ACRES IRRIGATION	40	S	9	E
	SWNE	8	26.2	ACRES IRRIGATION	40	S	9	E
	SWNW	8	18.2	ACRES IRRIGATION	40	S	9	E
6	SWSW	8	20.7	ACRES IRRIGATION	40	S	9	E
	NENE	9	32.4	ACRES IRRIGATION	40	S	9	E
	NENW	9	36.2	ACRES IRRIGATION	40	S	9	E
	NESE	9	38.6	ACRES IRRIGATION	40	S	9	E
	NESW	9	31.8	ACRES IRRIGATION	40	S	9	E
	NWNE	9	38	ACRES IRRIGATION	40	S	9	E
	NWNW	9	36	ACRES IRRIGATION	40	S	9	E
	NWSE	9	40	ACRES IRRIGATION	40	S	9	E
	NWSW	9	19.7	ACRES IRRIGATION	40	S	9	E
	SENE	9	20.5	ACRES IRRIGATION	40	S	9	E
	SENW	9	40	ACRES IRRIGATION	40	S	9	E
	SESE	9	38.1	ACRES IRRIGATION	40	S	9	E
	SWNE	9	40	ACRES IRRIGATION	40	S	9	E
	SWNW	9	37	ACRES IRRIGATION	40	S	9	E
	SWSE	9	19.9	ACRES IRRIGATION	40	S	9	E
	NENE	10	35.5	ACRES IRRIGATION	40	S	9	E
	NENW	10	36.5	ACRES IRRIGATION	40	S	9	E
	NESE	10	31.6	ACRES IRRIGATION	40	S	9	E
	NESW	10	39.3	ACRES IRRIGATION	40	S	9	E
	NWNE	10	35.7	ACRES IRRIGATION	40	S	9	E
	NWNW	10	34.1	ACRES IRRIGATION	40	S	9	E
	NWSE	10	40	ACRES IRRIGATION	40	S	9	E
	NWSW	10	40	ACRES IRRIGATION	40	S	9	E
	SENE	10	37.6	ACRES IRRIGATION	40	S	9	E
	SENW	10	37.9	ACRES IRRIGATION	40	S	9	E
	SESE	10	23.4	ACRES IRRIGATION	40	S	9	E
	SESW	10	6.5	ACRES IRRIGATION	40	S	9	E
	SWNE	10	35.4	ACRES IRRIGATION	40	S	9	E
	SWNW	10	37.9	ACRES IRRIGATION	40	S	9	E
	SWSE	10	13.6	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	10	18.5	ACRES IRRIGATION	40	S	9	E
	NENE	11	37.4	ACRES IRRIGATION	40	S	9	E
	NENW	11	33.8	ACRES IRRIGATION	40	S	9	E
	NESE	11	39	ACRES IRRIGATION	40	S	9	E
	NESW	11	39.2	ACRES IRRIGATION	40	S	9	E
	NWNE	11	36.9	ACRES IRRIGATION	40	S	9	E
	NWNW	11	34.7	ACRES IRRIGATION	40	S	9	E
	NWSE	11	40	ACRES IRRIGATION	40	S	9	E
	NWSW	11	34.4	ACRES IRRIGATION	40	S	9	E
	SENE	11	38.4	ACRES IRRIGATION	40	S	9	E
	SENW	11	39	ACRES IRRIGATION	40	S	9	E
	SESE	11	33.2	ACRES IRRIGATION	40	S	9	E
	SESW	11	37.4	ACRES IRRIGATION	40	S	9	E
	SWNE	11	40	ACRES IRRIGATION	40	S	9	E
	SWNW	11	34.2	ACRES IRRIGATION	40	S	9	E
	SWSE	11	40	ACRES IRRIGATION	40	S	9	E
	SWSW	11	37.5	ACRES IRRIGATION	40	S	9	E
	NENE	12	34.5	ACRES IRRIGATION	40	S	9	E
	NENW	12	38.8	ACRES IRRIGATION	40	S	9	E
	NESE	12	37.1	ACRES IRRIGATION	40	S	9	E
	NESW	12	40	ACRES IRRIGATION	40	S	9	E
	NWNE	12	33.9	ACRES IRRIGATION	40	S	9	E
	NWNW	12	33	ACRES IRRIGATION	40	S	9	E
	NWSE	12	31.7	ACRES IRRIGATION	40	S	9	E
	NWSW	12	39	ACRES IRRIGATION	40	S	9	E
	SENE	12	31.2	ACRES IRRIGATION	40	S	9	E
	SENW	12	40	ACRES IRRIGATION	40	S	9	E
	SESE	12	39.2	ACRES IRRIGATION	40	S	9	E
	SESW	12	34.2	ACRES IRRIGATION	40	S	9	E
	SWNE	12	34.3	ACRES IRRIGATION	40	S	9	E
	SWNW	12	36.5	ACRES IRRIGATION	40	S	9	E
	SWSE	12	33.1	ACRES IRRIGATION	40	S	9	E
	SWSW	12	35.7	ACRES IRRIGATION	40	S	9	E
	NENE	13	38	ACRES IRRIGATION	40	S	9	E
	NENW	13	37.4	ACRES IRRIGATION	40	S	9	E
	NESE	13	35.7	ACRES IRRIGATION	40	S	9	E
	NESW	13	40	ACRES IRRIGATION	40	S	9	E
	NWNE	13	40	ACRES IRRIGATION	40	S	9	E
	NWNW	13	38	ACRES IRRIGATION	40	S	9	E
	NWSE	13	38	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSW	13	32.6	ACRES IRRIGATION	40	S	9	E
	SENE	13	37.2	ACRES IRRIGATION	40	S	9	E
	SENW	13	38.4	ACRES IRRIGATION	40	S	9	E
	SESE	13	31.1	ACRES IRRIGATION	40	S	9	E
	SESW	13	35.3	ACRES IRRIGATION	40	S	9	E
	SWNE	13	39	ACRES IRRIGATION	40	S	9	E
	SWNW	13	27.7	ACRES IRRIGATION	40	S	9	E
	SWSE	13	37.8	ACRES IRRIGATION	40	S	9	E
	SWSW	13	33.4	ACRES IRRIGATION	40	S	9	E
	NENE	14	38	ACRES IRRIGATION	40	S	9	E
	NENW	14	38.2	ACRES IRRIGATION	40	S	9	E
	NESE	14	34.4	ACRES IRRIGATION	40	S	9	E
	NESW	14	37.4	ACRES IRRIGATION	40	S	9	E
	NWNE	14	37.2	ACRES IRRIGATION	40	S	9	E
	NWNW	14	31.1	ACRES IRRIGATION	40	S	9	E
	NWSE	14	33.5	ACRES IRRIGATION	40	S	9	E
	NWSW	14	37.1	ACRES IRRIGATION	40	S	9	E
	SENE	14	35.2	ACRES IRRIGATION	40	S	9	E
	SENW	14	36.7	ACRES IRRIGATION	40	S	9	E
	SESE	14	40	ACRES IRRIGATION	40	S	9	E
	SESW	14	33.7	ACRES IRRIGATION	40	S	9	E
	SWNE	14	36.3	ACRES IRRIGATION	40	S	9	E
	SWNW	14	34.4	ACRES IRRIGATION	40	S	9	E
	SWSE	14	38.6	ACRES IRRIGATION	40	S	9	E
	SWSW	14	31.5	ACRES IRRIGATION	40	S	9	E
	NESE	15	32.1	ACRES IRRIGATION	40	S	9	E
	NESW	15	0.8	ACRES IRRIGATION	40	S	9	E
	NWNW	15	1.3	ACRES IRRIGATION	40	S	9	E
	NWSE	15	5.9	ACRES IRRIGATION	40	S	9	E
	NWSW	15	0.3	ACRES IRRIGATION	40	S	9	E
	SENW	15	6.8	ACRES IRRIGATION	40	S	9	E
	SESE	15	12.2	ACRES IRRIGATION	40	S	9	E
	SWNW	15	17.4	ACRES IRRIGATION	40	S	9	E
	NENE	16	24.1	ACRES IRRIGATION	40	S	9	E
	SENE	16	1.1	ACRES IRRIGATION	40	S	9	E
10	NENW	17	20.3	ACRES IRRIGATION	40	S	9	E
	NESW	17	38	ACRES IRRIGATION	40	S	9	E
11	NWNE	17	1.1	ACRES IRRIGATION	40	S	9	E
	NWNW	17	38.8	ACRES IRRIGATION	40	S	9	E
13	NWSE	17	28.1	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSW	17	37.1	ACRES IRRIGATION	40	S	9	E
	SENW	17	35	ACRES IRRIGATION	40	S	9	E
14	SESE	17	0.4	ACRES IRRIGATION	40	S	9	E
	SESW	17	37	ACRES IRRIGATION	40	S	9	E
12	SWNE	17	16.3	ACRES IRRIGATION	40	S	9	E
	SWNW	17	35.5	ACRES IRRIGATION	40	S	9	E
14	SWSE	17	36	ACRES IRRIGATION	40	S	9	E
	SWSW	17	34.4	ACRES IRRIGATION	40	S	9	E
	NENE	18	36	ACRES IRRIGATION	40	S	9	E
	NENW	18	36	ACRES IRRIGATION	40	S	9	E
	NESE	18	36	ACRES IRRIGATION	40	S	9	E
	NESW	18	36	ACRES IRRIGATION	40	S	9	E
	NWNE	18	36	ACRES IRRIGATION	40	S	9	E
	NWNW	18	36	ACRES IRRIGATION	40	S	9	E
	NWSE	18	36	ACRES IRRIGATION	40	S	9	E
	NWSW	18	36	ACRES IRRIGATION	40	S	9	E
	SENE	18	40	ACRES IRRIGATION	40	S	9	E
	SENW	18	40	ACRES IRRIGATION	40	S	9	E
	SESE	18	40	ACRES IRRIGATION	40	S	9	E
	SESW	18	40	ACRES IRRIGATION	40	S	9	E
	SWNE	18	40	ACRES IRRIGATION	40	S	9	E
	SWNW	18	40	ACRES IRRIGATION	40	S	9	E
	SWSE	18	40	ACRES IRRIGATION	40	S	9	E
	SWSW	18	40	ACRES IRRIGATION	40	S	9	E
	NENE	19	38	ACRES IRRIGATION	40	S	9	E
	NENW	19	38	ACRES IRRIGATION	40	S	9	E
	NESE	19	39.5	ACRES IRRIGATION	40	S	9	E
	NESW	19	36.9	ACRES IRRIGATION	40	S	9	E
	NWNE	19	38	ACRES IRRIGATION	40	S	9	E
	NWNW	19	38	ACRES IRRIGATION	40	S	9	E
	NWSE	19	39.2	ACRES IRRIGATION	40	S	9	E
	NWSW	19	31.8	ACRES IRRIGATION	40	S	9	E
	SENE	19	38	ACRES IRRIGATION	40	S	9	E
	SENW	19	37.7	ACRES IRRIGATION	40	S	9	E
	SESE	19	40	ACRES IRRIGATION	40	S	9	E
	SESW	19	32.4	ACRES IRRIGATION	40	S	9	E
	SWNE	19	38	ACRES IRRIGATION	40	S	9	E
	SWNW	19	37	ACRES IRRIGATION	40	S	9	E
	SWSE	19	33.5	ACRES IRRIGATION	40	S	9	E
	SWSW	19	38.4	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
5	NENE	20	8.6	ACRES IRRIGATION	40	S	9	E
	NENW	20	40	ACRES IRRIGATION	40	S	9	E
3	NESE	20	33.2	ACRES IRRIGATION	40	S	9	E
	NESW	20	38.4	ACRES IRRIGATION	40	S	9	E
5	NWNE	20	40	ACRES IRRIGATION	40	S	9	E
	NWNW	20	39	ACRES IRRIGATION	40	S	9	E
	NWSE	20	38.4	ACRES IRRIGATION	40	S	9	E
	NWSW	20	37.2	ACRES IRRIGATION	40	S	9	E
4	SENE	20	20.9	ACRES IRRIGATION	40	S	9	E
	SENW	20	39	ACRES IRRIGATION	40	S	9	E
	SESE	20	39	ACRES IRRIGATION	40	S	9	E
	SESW	20	39	ACRES IRRIGATION	40	S	9	E
	SWNE	20	39	ACRES IRRIGATION	40	S	9	E
	SWNW	20	38.2	ACRES IRRIGATION	40	S	9	E
	SWSE	20	39	ACRES IRRIGATION	40	S	9	E
	SWSW	20	38.2	ACRES IRRIGATION	40	S	9	E
5	NWSW	21	0.1	ACRES IRRIGATION	40	S	9	E
5	SWSW	21	11.8	ACRES IRRIGATION	40	S	9	E
	NENE	23	40	ACRES IRRIGATION	40	S	9	E
	NENW	23	26.6	ACRES IRRIGATION	40	S	9	E
	NWNE	23	40	ACRES IRRIGATION	40	S	9	E
	NWNW	23	6.1	ACRES IRRIGATION	40	S	9	E
	SENE	23	6.2	ACRES IRRIGATION	40	S	9	E
	SENW	23	0.2	ACRES IRRIGATION	40	S	9	E
	SWNE	23	10.2	ACRES IRRIGATION	40	S	9	E
	NENE	24	28.1	ACRES IRRIGATION	40	S	9	E
	NWNE	24	27.4	ACRES IRRIGATION	40	S	9	E
	NWNW	24	40	ACRES IRRIGATION	40	S	9	E
	SENE	24	1.2	ACRES IRRIGATION	40	S	9	E
	SWNE	24	0.4	ACRES IRRIGATION	40	S	9	E
	SWNW	24	32.8	ACRES IRRIGATION	40	S	9	E
5	NESW	27	0.6	ACRES IRRIGATION	40	S	9	E
2	NESW	27	2.2	ACRES IRRIGATION	40	S	9	E
1	NWSW	27	2.1	ACRES IRRIGATION	40	S	9	E
5	NWSW	27	6.7	ACRES IRRIGATION	40	S	9	E
6	NWSW	27	9.8	ACRES IRRIGATION	40	S	9	E
4	SESW	27	5.9	ACRES IRRIGATION	40	S	9	E
3	SESW	27	7.8	ACRES IRRIGATION	40	S	9	E
7	SESW	27	8.5	ACRES IRRIGATION	40	S	9	E
4	SWSW	27	1.3	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
7	SWSW	27	36.7	ACRES IRRIGATION	40	S	9	E
4	NESE	28	1.7	ACRES IRRIGATION	40	S	9	E
10	NESE	28	35	ACRES IRRIGATION	40	S	9	E
	NESW	28	39	ACRES IRRIGATION	40	S	9	E
7	NWNW	28	19.6	ACRES IRRIGATION	40	S	9	E
	NWSE	28	38	ACRES IRRIGATION	40	S	9	E
	NWSW	28	38.5	ACRES IRRIGATION	40	S	9	E
3	SENE	28	4.3	ACRES IRRIGATION	40	S	9	E
4	SENE	28	8.9	ACRES IRRIGATION	40	S	9	E
6	SENW	28	2.6	ACRES IRRIGATION	40	S	9	E
8	SENW	28	34.3	ACRES IRRIGATION	40	S	9	E
	SESE	28	38.6	ACRES IRRIGATION	40	S	9	E
	SESW	28	40	ACRES IRRIGATION	40	S	9	E
2	SWNE	28	1.3	ACRES IRRIGATION	40	S	9	E
5	SWNE	28	3.1	ACRES IRRIGATION	40	S	9	E
9	SWNE	28	15.2	ACRES IRRIGATION	40	S	9	E
	SWNW	28	37.6	ACRES IRRIGATION	40	S	9	E
	SWSE	28	38	ACRES IRRIGATION	40	S	9	E
	SWSW	28	39	ACRES IRRIGATION	40	S	9	E
	NENE	29	40	ACRES IRRIGATION	40	S	9	E
	NENW	29	40	ACRES IRRIGATION	40	S	9	E
	NESE	29	38.6	ACRES IRRIGATION	40	S	9	E
	NESW	29	37	ACRES IRRIGATION	40	S	9	E
	NWNE	29	40	ACRES IRRIGATION	40	S	9	E
	NWNW	29	40	ACRES IRRIGATION	40	S	9	E
	NWSE	29	35.1	ACRES IRRIGATION	40	S	9	E
	NWSW	29	36	ACRES IRRIGATION	40	S	9	E
	SENE	29	38.4	ACRES IRRIGATION	40	S	9	E
	SENW	29	38	ACRES IRRIGATION	40	S	9	E
	SESE	29	38	ACRES IRRIGATION	40	S	9	E
	SESW	29	37.4	ACRES IRRIGATION	40	S	9	E
	SWNE	29	38	ACRES IRRIGATION	40	S	9	E
	SWNW	29	38.6	ACRES IRRIGATION	40	S	9	E
	SWSE	29	37.5	ACRES IRRIGATION	40	S	9	E
	SWSW	29	36.1	ACRES IRRIGATION	40	S	9	E
	NENE	30	40	ACRES IRRIGATION	40	S	9	E
	NENW	30	36	ACRES IRRIGATION	40	S	9	E
	NESE	30	29.1	ACRES IRRIGATION	40	S	9	E
	NESW	30	35.3	ACRES IRRIGATION	40	S	9	E
	NWNE	30	30.7	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	30	39	ACRES IRRIGATION	40	S	9	E
	NWSE	30	35.7	ACRES IRRIGATION	40	S	9	E
	NWSW	30	34.8	ACRES IRRIGATION	40	S	9	E
	SENE	30	38.6	ACRES IRRIGATION	40	S	9	E
	SENW	30	36	ACRES IRRIGATION	40	S	9	E
	SESE	30	34.2	ACRES IRRIGATION	40	S	9	E
	SESW	30	35	ACRES IRRIGATION	40	S	9	E
	SWNE	30	29.8	ACRES IRRIGATION	40	S	9	E
	SWNW	30	37.5	ACRES IRRIGATION	40	S	9	E
	SWSE	30	39.2	ACRES IRRIGATION	40	S	9	E
	SWSW	30	40	ACRES IRRIGATION	40	S	9	E
	NENE	31	32.7	ACRES IRRIGATION	40	S	9	E
	NENW	31	39	ACRES IRRIGATION	40	S	9	E
	NESE	31	35.6	ACRES IRRIGATION	40	S	9	E
	NESW	31	40	ACRES IRRIGATION	40	S	9	E
	NWNE	31	35.3	ACRES IRRIGATION	40	S	9	E
	NWNW	31	40	ACRES IRRIGATION	40	S	9	E
	NWSE	31	40	ACRES IRRIGATION	40	S	9	E
	NWSW	31	40	ACRES IRRIGATION	40	S	9	E
	SENE	31	29.2	ACRES IRRIGATION	40	S	9	E
	SENW	31	38	ACRES IRRIGATION	40	S	9	E
	SESE	31	34.9	ACRES IRRIGATION	40	S	9	E
	SESW	31	38	ACRES IRRIGATION	40	S	9	E
	SWNE	31	38.4	ACRES IRRIGATION	40	S	9	E
	SWNW	31	37.2	ACRES IRRIGATION	40	S	9	E
	SWSE	31	38	ACRES IRRIGATION	40	S	9	E
	SWSW	31	38	ACRES IRRIGATION	40	S	9	E
	NENE	32	39.6	ACRES IRRIGATION	40	S	9	E
	NENW	32	37.5	ACRES IRRIGATION	40	S	9	E
	NESE	32	38	ACRES IRRIGATION	40	S	9	E
	NESW	32	36.2	ACRES IRRIGATION	40	S	9	E
	NWNE	32	38	ACRES IRRIGATION	40	S	9	E
	NWNW	32	34.3	ACRES IRRIGATION	40	S	9	E
	NWSE	32	38	ACRES IRRIGATION	40	S	9	E
	NWSW	32	26.8	ACRES IRRIGATION	40	S	9	E
	SENE	32	39.6	ACRES IRRIGATION	40	S	9	E
	SENW	32	37.4	ACRES IRRIGATION	40	S	9	E
	SESE	32	37.2	ACRES IRRIGATION	40	S	9	E
	SESW	32	33.6	ACRES IRRIGATION	40	S	9	E
	SWNE	32	38	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNW	32	32.3	ACRES IRRIGATION	40	S	9	E
	SWSE	32	36.7	ACRES IRRIGATION	40	S	9	E
	SWSW	32	33.3	ACRES IRRIGATION	40	S	9	E
	NENE	33	38.5	ACRES IRRIGATION	40	S	9	E
	NENW	33	39.8	ACRES IRRIGATION	40	S	9	E
	NESE	33	38	ACRES IRRIGATION	40	S	9	E
	NESW	33	40	ACRES IRRIGATION	40	S	9	E
	NWNE	33	38	ACRES IRRIGATION	40	S	9	E
	NWNW	33	38.6	ACRES IRRIGATION	40	S	9	E
	NWSE	33	36.8	ACRES IRRIGATION	40	S	9	E
	NWSW	33	38.9	ACRES IRRIGATION	40	S	9	E
	SENE	33	38	ACRES IRRIGATION	40	S	9	E
	SENW	33	39.8	ACRES IRRIGATION	40	S	9	E
	SESE	33	36.4	ACRES IRRIGATION	40	S	9	E
	SESW	33	39.6	ACRES IRRIGATION	40	S	9	E
	SWNE	33	38	ACRES IRRIGATION	40	S	9	E
	SWNW	33	38.8	ACRES IRRIGATION	40	S	9	E
	SWSE	33	36.3	ACRES IRRIGATION	40	S	9	E
	SWSW	33	38.2	ACRES IRRIGATION	40	S	9	E
4	NENW	34	4.6	ACRES IRRIGATION	40	S	9	E
5	NENW	34	21.1	ACRES IRRIGATION	40	S	9	E
2	NESE	34	1	ACRES IRRIGATION	40	S	9	E
3	NESE	34	5.8	ACRES IRRIGATION	40	S	9	E
8	NESE	34	33.5	ACRES IRRIGATION	40	S	9	E
	NESW	34	38	ACRES IRRIGATION	40	S	9	E
	NWNW	34	37.8	ACRES IRRIGATION	40	S	9	E
	NWSE	34	40	ACRES IRRIGATION	40	S	9	E
	NWSW	34	37.6	ACRES IRRIGATION	40	S	9	E
3	SENE	34	6.9	ACRES IRRIGATION	40	S	9	E
2	SENE	34	11.4	ACRES IRRIGATION	40	S	9	E
6	SENW	34	25.2	ACRES IRRIGATION	40	S	9	E
	SESE	34	38	ACRES IRRIGATION	40	S	9	E
	SESW	34	35.5	ACRES IRRIGATION	40	S	9	E
7	SWNE	34	3.7	ACRES IRRIGATION	40	S	9	E
4	SWNE	34	7.4	ACRES IRRIGATION	40	S	9	E
	SWNW	34	38	ACRES IRRIGATION	40	S	9	E
	SWSE	34	38	ACRES IRRIGATION	40	S	9	E
	SWSW	34	36.4	ACRES IRRIGATION	40	S	9	E
5	NWSW	35	2.7	ACRES IRRIGATION	40	S	9	E
1	NWSW	35	8.7	ACRES IRRIGATION	40	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
4	NWSW	35	8.7	ACRES IRRIGATION	40	S	9	E
2	SESW	35	11.8	ACRES IRRIGATION	40	S	9	E
	SWNW	35	0.5	ACRES IRRIGATION	40	S	9	E
2	SWSW	35	4.9	ACRES IRRIGATION	40	S	9	E
3	SWSW	35	6.4	ACRES IRRIGATION	40	S	9	E
6	SWSW	35	22	ACRES IRRIGATION	40	S	9	E
	NESW	5	35.7	ACRES IRRIGATION	40	S	10	E
	NWSE	5	5.3	ACRES IRRIGATION	40	S	10	E
	NWSW	5	37.7	ACRES IRRIGATION	40	S	10	E
	SENW	5	29.8	ACRES IRRIGATION	40	S	10	E
	SESW	5	34.7	ACRES IRRIGATION	40	S	10	E
	SWNW	5	38.9	ACRES IRRIGATION	40	S	10	E
	SWSE	5	30.3	ACRES IRRIGATION	40	S	10	E
	SWSW	5	30.2	ACRES IRRIGATION	40	S	10	E
	NENE	6	35.2	ACRES IRRIGATION	40	S	10	E
	NENW	6	0.3	ACRES IRRIGATION	40	S	10	E
9	NENW	6	10	ACRES IRRIGATION	40	S	10	E
1	NENW	6	21	ACRES IRRIGATION	40	S	10	E
	NESE	6	36.4	ACRES IRRIGATION	40	S	10	E
	NESW	6	5.6	ACRES IRRIGATION	40	S	10	E
6	NESW	6	5.8	ACRES IRRIGATION	40	S	10	E
3	NESW	6	20.6	ACRES IRRIGATION	40	S	10	E
	NWNE	6	0.3	ACRES IRRIGATION	40	S	10	E
8	NWNE	6	31	ACRES IRRIGATION	40	S	10	E
	NWNW	6	37.7	ACRES IRRIGATION	40	S	10	E
	NWSE	6	36	ACRES IRRIGATION	40	S	10	E
	NWSW	6	35.8	ACRES IRRIGATION	40	S	10	E
	SENE	6	33.1	ACRES IRRIGATION	40	S	10	E
	SESE	6	31.5	ACRES IRRIGATION	40	S	10	E
	SESW	6	0.4	ACRES IRRIGATION	40	S	10	E
5	SESW	6	27.6	ACRES IRRIGATION	40	S	10	E
	SWNE	6	0.5	ACRES IRRIGATION	40	S	10	E
2	SWNE	6	5.6	ACRES IRRIGATION	40	S	10	E
7	SWNE	6	26.7	ACRES IRRIGATION	40	S	10	E
	SWNW	6	36.6	ACRES IRRIGATION	40	S	10	E
	SWSE	6	37.5	ACRES IRRIGATION	40	S	10	E
4	SWSW	6	34.2	ACRES IRRIGATION	40	S	10	E
	NENE	7	37.8	ACRES IRRIGATION	40	S	10	E
1	NENW	7	20.6	ACRES IRRIGATION	40	S	10	E
4	NESE	7	1	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	7	37.6	ACRES IRRIGATION	40	S	10	E
	NWNE	7	3.1	ACRES IRRIGATION	40	S	10	E
2	NWNE	7	3.7	ACRES IRRIGATION	40	S	10	E
7	NWNE	7	18.9	ACRES IRRIGATION	40	S	10	E
	NWNW	7	32.1	ACRES IRRIGATION	40	S	10	E
3	NWSE	7	17.8	ACRES IRRIGATION	40	S	10	E
	NWSW	7	31	ACRES IRRIGATION	40	S	10	E
6	SENE	7	15	ACRES IRRIGATION	40	S	10	E
	SENW	7	37.8	ACRES IRRIGATION	40	S	10	E
	SESE	7	39.6	ACRES IRRIGATION	40	S	10	E
	SESW	7	36.3	ACRES IRRIGATION	40	S	10	E
7	SWNE	7	0.5	ACRES IRRIGATION	40	S	10	E
	SWNE	7	2.1	ACRES IRRIGATION	40	S	10	E
2	SWNE	7	27	ACRES IRRIGATION	40	S	10	E
	SWNW	7	32.7	ACRES IRRIGATION	40	S	10	E
	SWSE	7	38.4	ACRES IRRIGATION	40	S	10	E
	SWSW	7	32.8	ACRES IRRIGATION	40	S	10	E
	NENW	8	27.7	ACRES IRRIGATION	40	S	10	E
	NESW	8	1.5	ACRES IRRIGATION	40	S	10	E
2	NESW	8	5	ACRES IRRIGATION	40	S	10	E
4	NESW	8	24.9	ACRES IRRIGATION	40	S	10	E
	NWNE	8	32.4	ACRES IRRIGATION	40	S	10	E
	NWNW	8	34.2	ACRES IRRIGATION	40	S	10	E
	NWSE	8	35.9	ACRES IRRIGATION	40	S	10	E
	NWSW	8	1.8	ACRES IRRIGATION	40	S	10	E
5	NWSW	8	5.6	ACRES IRRIGATION	40	S	10	E
1	NWSW	8	32.1	ACRES IRRIGATION	40	S	10	E
	SENW	8	35.4	ACRES IRRIGATION	40	S	10	E
4	SESW	8	2.7	ACRES IRRIGATION	40	S	10	E
	SESW	8	2.9	ACRES IRRIGATION	40	S	10	E
2	SESW	8	28.6	ACRES IRRIGATION	40	S	10	E
	SWNE	8	30.2	ACRES IRRIGATION	40	S	10	E
	SWNW	8	0.5	ACRES IRRIGATION	40	S	10	E
5	SWNW	8	38.1	ACRES IRRIGATION	40	S	10	E
3	SWSE	8	32.2	ACRES IRRIGATION	40	S	10	E
	SWSW	8	37.4	ACRES IRRIGATION	40	S	10	E
	SWSW	16	32.2	ACRES IRRIGATION	40	S	10	E
10	NENW	17	5.1	ACRES IRRIGATION	40	S	10	E
1	NENW	17	31.3	ACRES IRRIGATION	40	S	10	E
	NESE	17	35.4	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	NESW	17	40	ACRES IRRIGATION	40	S	10	E
10	NWNE	17	31.5	ACRES IRRIGATION	40	S	10	E
	NWNW	17	39.6	ACRES IRRIGATION	40	S	10	E
3	NWSE	17	5.1	ACRES IRRIGATION	40	S	10	E
8	NWSE	17	21.7	ACRES IRRIGATION	40	S	10	E
	NWSW	17	35.1	ACRES IRRIGATION	40	S	10	E
	SENE	17	27.9	ACRES IRRIGATION	40	S	10	E
9	SENW	17	8.8	ACRES IRRIGATION	40	S	10	E
2	SENW	17	29.8	ACRES IRRIGATION	40	S	10	E
6	SESE	17	21.9	ACRES IRRIGATION	40	S	10	E
	SESW	17	39	ACRES IRRIGATION	40	S	10	E
9	SWNE	17	31.3	ACRES IRRIGATION	40	S	10	E
	SWNW	17	36.3	ACRES IRRIGATION	40	S	10	E
	SWSE	17	0.4	ACRES IRRIGATION	40	S	10	E
4	SWSE	17	14.2	ACRES IRRIGATION	40	S	10	E
7	SWSE	17	14.2	ACRES IRRIGATION	40	S	10	E
	SWSW	17	39	ACRES IRRIGATION	40	S	10	E
	NENE	18	39.4	ACRES IRRIGATION	40	S	10	E
	NENW	18	34.7	ACRES IRRIGATION	40	S	10	E
	NESE	18	38.5	ACRES IRRIGATION	40	S	10	E
	NESW	18	37.4	ACRES IRRIGATION	40	S	10	E
	NWNE	18	39.4	ACRES IRRIGATION	40	S	10	E
	NWNW	18	40.2	ACRES IRRIGATION	40	S	10	E
	NWSE	18	38.9	ACRES IRRIGATION	40	S	10	E
	NWSW	18	34.5	ACRES IRRIGATION	40	S	10	E
	SENE	18	37.5	ACRES IRRIGATION	40	S	10	E
	SENW	18	36.5	ACRES IRRIGATION	40	S	10	E
	SESE	18	23.1	ACRES IRRIGATION	40	S	10	E
	SESW	18	35.1	ACRES IRRIGATION	40	S	10	E
	SWNE	18	36.1	ACRES IRRIGATION	40	S	10	E
	SWNW	18	36.1	ACRES IRRIGATION	40	S	10	E
	SWSE	18	27	ACRES IRRIGATION	40	S	10	E
	SWSW	18	32.5	ACRES IRRIGATION	40	S	10	E
	NENE	19	36.1	ACRES IRRIGATION	40	S	10	E
	NENW	19	36.5	ACRES IRRIGATION	40	S	10	E
	NESE	19	36	ACRES IRRIGATION	40	S	10	E
	NWNE	19	37.1	ACRES IRRIGATION	40	S	10	E
	NWNW	19	32	ACRES IRRIGATION	40	S	10	E
	NWSE	19	10.9	ACRES IRRIGATION	40	S	10	E
	SENE	19	29.2	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	19	38.4	ACRES IRRIGATION	40	S	10	E
	SESE	19	30.8	ACRES IRRIGATION	40	S	10	E
	SWNE	19	27.6	ACRES IRRIGATION	40	S	10	E
	SWNW	19	11.5	ACRES IRRIGATION	40	S	10	E
1	NENE	20	3.1	ACRES IRRIGATION	40	S	10	E
	NENW	20	35.5	ACRES IRRIGATION	40	S	10	E
3	NESE	20	3.6	ACRES IRRIGATION	40	S	10	E
	NESW	20	27.4	ACRES IRRIGATION	40	S	10	E
	NWNE	20	38	ACRES IRRIGATION	40	S	10	E
	NWNW	20	37.8	ACRES IRRIGATION	40	S	10	E
	NWSE	20	35.5	ACRES IRRIGATION	40	S	10	E
	NWSW	20	33	ACRES IRRIGATION	40	S	10	E
2	SENE	20	0.3	ACRES IRRIGATION	40	S	10	E
	SENE	20	4.2	ACRES IRRIGATION	40	S	10	E
4	SENE	20	4.6	ACRES IRRIGATION	40	S	10	E
	SENW	20	33.8	ACRES IRRIGATION	40	S	10	E
	SESE	20	27.6	ACRES IRRIGATION	40	S	10	E
	SESW	20	35.7	ACRES IRRIGATION	40	S	10	E
	SWNE	20	38.4	ACRES IRRIGATION	40	S	10	E
	SWNW	20	35.2	ACRES IRRIGATION	40	S	10	E
	SWSE	20	32.8	ACRES IRRIGATION	40	S	10	E
	SWSW	20	36	ACRES IRRIGATION	40	S	10	E
	NESE	21	20.5	ACRES IRRIGATION	40	S	10	E
7	NESW	21	3.3	ACRES IRRIGATION	40	S	10	E
2	NESW	21	21.9	ACRES IRRIGATION	40	S	10	E
11	NWNW	21	19.4	ACRES IRRIGATION	40	S	10	E
	NWSE	21	0.2	ACRES IRRIGATION	40	S	10	E
6	NWSE	21	16.3	ACRES IRRIGATION	40	S	10	E
9	NWSW	21	3	ACRES IRRIGATION	40	S	10	E
1	NWSW	21	17.4	ACRES IRRIGATION	40	S	10	E
8	SENW	21	8.2	ACRES IRRIGATION	40	S	10	E
4	SESE	21	24.1	ACRES IRRIGATION	40	S	10	E
	SESW	21	38.9	ACRES IRRIGATION	40	S	10	E
10	SWNW	21	36.5	ACRES IRRIGATION	40	S	10	E
	SWSE	21	0.4	ACRES IRRIGATION	40	S	10	E
5	SWSE	21	7	ACRES IRRIGATION	40	S	10	E
3	SWSE	21	20.6	ACRES IRRIGATION	40	S	10	E
	SWSW	21	34.6	ACRES IRRIGATION	40	S	10	E
	NWSW	22	0.7	ACRES IRRIGATION	40	S	10	E
	SWSW	22	20.8	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESE	25	0.6	ACRES IRRIGATION	40	S	10	E
	SESE	25	33.7	ACRES IRRIGATION	40	S	10	E
	SESW	25	14.6	ACRES IRRIGATION	40	S	10	E
	SWSE	25	24.5	ACRES IRRIGATION	40	S	10	E
	SWSW	25	17.6	ACRES IRRIGATION	40	S	10	E
	NESW	26	30.1	ACRES IRRIGATION	40	S	10	E
	NWSE	26	9.2	ACRES IRRIGATION	40	S	10	E
	NWSW	26	34.1	ACRES IRRIGATION	40	S	10	E
	SENW	26	1.2	ACRES IRRIGATION	40	S	10	E
	SESE	26	5.8	ACRES IRRIGATION	40	S	10	E
	SESW	26	36.2	ACRES IRRIGATION	40	S	10	E
	SWNW	26	13.9	ACRES IRRIGATION	40	S	10	E
	SWSE	26	27.8	ACRES IRRIGATION	40	S	10	E
	SWSW	26	36	ACRES IRRIGATION	40	S	10	E
	NENE	27	0.3	ACRES IRRIGATION	40	S	10	E
	NENW	27	20.6	ACRES IRRIGATION	40	S	10	E
	NESE	27	36.9	ACRES IRRIGATION	40	S	10	E
	NWNE	27	7.1	ACRES IRRIGATION	40	S	10	E
	NWNW	27	3.9	ACRES IRRIGATION	40	S	10	E
6	NWSE	27	16.4	ACRES IRRIGATION	40	S	10	E
1	NWSW	27	14	ACRES IRRIGATION	40	S	10	E
	SENE	27	31.9	ACRES IRRIGATION	40	S	10	E
	SENW	27	14.8	ACRES IRRIGATION	40	S	10	E
	SESE	27	35.2	ACRES IRRIGATION	40	S	10	E
	SESW	27	0.2	ACRES IRRIGATION	40	S	10	E
3	SESW	27	22.7	ACRES IRRIGATION	40	S	10	E
	SWNE	27	27.7	ACRES IRRIGATION	40	S	10	E
1	SWNW	27	1.9	ACRES IRRIGATION	40	S	10	E
5	SWSE	27	4.1	ACRES IRRIGATION	40	S	10	E
4	SWSE	27	8	ACRES IRRIGATION	40	S	10	E
2	SWSW	27	31.6	ACRES IRRIGATION	40	S	10	E
	NENE	28	2	ACRES IRRIGATION	40	S	10	E
	NENW	28	38.8	ACRES IRRIGATION	40	S	10	E
	NESE	28	39.2	ACRES IRRIGATION	40	S	10	E
	NESW	28	33.7	ACRES IRRIGATION	40	S	10	E
1	NWNE	28	36	ACRES IRRIGATION	40	S	10	E
	NWNW	28	28.9	ACRES IRRIGATION	40	S	10	E
	NWSE	28	30.4	ACRES IRRIGATION	40	S	10	E
	NWSW	28	27.3	ACRES IRRIGATION	40	S	10	E
3	SENE	28	15.1	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	28	35.8	ACRES IRRIGATION	40	S	10	E
	SESE	28	31.4	ACRES IRRIGATION	40	S	10	E
	SESW	28	36.2	ACRES IRRIGATION	40	S	10	E
2	SWNE	28	35.6	ACRES IRRIGATION	40	S	10	E
	SWNW	28	32.5	ACRES IRRIGATION	40	S	10	E
	SWSE	28	33.8	ACRES IRRIGATION	40	S	10	E
	SWSW	28	39.8	ACRES IRRIGATION	40	S	10	E
	NENE	29	25.8	ACRES IRRIGATION	40	S	10	E
	NENW	29	37.2	ACRES IRRIGATION	40	S	10	E
	NESE	29	29.7	ACRES IRRIGATION	40	S	10	E
	NESW	29	38	ACRES IRRIGATION	40	S	10	E
	NWNE	29	36.9	ACRES IRRIGATION	40	S	10	E
	NWNW	29	40	ACRES IRRIGATION	40	S	10	E
	NWSE	29	38	ACRES IRRIGATION	40	S	10	E
	NWSW	29	37.1	ACRES IRRIGATION	40	S	10	E
	SENE	29	34.1	ACRES IRRIGATION	40	S	10	E
	SENW	29	39.6	ACRES IRRIGATION	40	S	10	E
	SESE	29	38.9	ACRES IRRIGATION	40	S	10	E
	SESW	29	39	ACRES IRRIGATION	40	S	10	E
	SWNE	29	37.2	ACRES IRRIGATION	40	S	10	E
	SWNW	29	40	ACRES IRRIGATION	40	S	10	E
	SWSE	29	37	ACRES IRRIGATION	40	S	10	E
	SWSW	29	39.7	ACRES IRRIGATION	40	S	10	E
	NENE	30	19.3	ACRES IRRIGATION	40	S	10	E
	NESE	30	39	ACRES IRRIGATION	40	S	10	E
	NWSE	30	34.7	ACRES IRRIGATION	40	S	10	E
	SENE	30	16.8	ACRES IRRIGATION	40	S	10	E
	SESE	30	35.3	ACRES IRRIGATION	40	S	10	E
	SWNE	30	31.8	ACRES IRRIGATION	40	S	10	E
	SWSE	30	18.2	ACRES IRRIGATION	40	S	10	E
	NENE	31	32.4	ACRES IRRIGATION	40	S	10	E
	NWNE	31	2.9	ACRES IRRIGATION	40	S	10	E
	NENE	32	35.6	ACRES IRRIGATION	40	S	10	E
	NENW	32	40	ACRES IRRIGATION	40	S	10	E
	NWNE	32	40	ACRES IRRIGATION	40	S	10	E
	NWNW	32	37.5	ACRES IRRIGATION	40	S	10	E
	SENE	32	40	ACRES IRRIGATION	40	S	10	E
	SENW	32	23.7	ACRES IRRIGATION	40	S	10	E
	SWNE	32	40	ACRES IRRIGATION	40	S	10	E
	SWNW	32	6.8	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENE	33	37.8	ACRES IRRIGATION	40	S	10	E
	NENW	33	33.8	ACRES IRRIGATION	40	S	10	E
	NESE	33	33.4	ACRES IRRIGATION	40	S	10	E
	NESW	33	36.4	ACRES IRRIGATION	40	S	10	E
	NWNE	33	39.2	ACRES IRRIGATION	40	S	10	E
	NWNW	33	35.5	ACRES IRRIGATION	40	S	10	E
	NWSE	33	29.1	ACRES IRRIGATION	40	S	10	E
	NWSW	33	37.8	ACRES IRRIGATION	40	S	10	E
	SENE	33	35.5	ACRES IRRIGATION	40	S	10	E
	SENW	33	33.6	ACRES IRRIGATION	40	S	10	E
	SESE	33	38.8	ACRES IRRIGATION	40	S	10	E
	SESW	33	40	ACRES IRRIGATION	40	S	10	E
	SWNE	33	37.3	ACRES IRRIGATION	40	S	10	E
	SWNW	33	33.8	ACRES IRRIGATION	40	S	10	E
	SWSE	33	36.7	ACRES IRRIGATION	40	S	10	E
	SWSW	33	35.4	ACRES IRRIGATION	40	S	10	E
8	NENE	34	26.5	ACRES IRRIGATION	40	S	10	E
	NENW	34	38	ACRES IRRIGATION	40	S	10	E
6	NESE	34	1.9	ACRES IRRIGATION	40	S	10	E
3	NESE	34	17	ACRES IRRIGATION	40	S	10	E
	NESW	34	27.1	ACRES IRRIGATION	40	S	10	E
	NWNW	34	33.2	ACRES IRRIGATION	40	S	10	E
	NWSE	34	14.4	ACRES IRRIGATION	40	S	10	E
	NWSW	34	33.2	ACRES IRRIGATION	40	S	10	E
	SENE	34	0.3	ACRES IRRIGATION	40	S	10	E
7	SENE	34	32.1	ACRES IRRIGATION	40	S	10	E
	SENW	34	36.1	ACRES IRRIGATION	40	S	10	E
	SESE	34	3.8	ACRES IRRIGATION	40	S	10	E
4	SESE	34	4.6	ACRES IRRIGATION	40	S	10	E
5	SESE	34	8	ACRES IRRIGATION	40	S	10	E
	SESW	34	33.5	ACRES IRRIGATION	40	S	10	E
	SWNW	34	36.8	ACRES IRRIGATION	40	S	10	E
	SWSE	34	36.6	ACRES IRRIGATION	40	S	10	E
	SWSW	34	31.2	ACRES IRRIGATION	40	S	10	E
	NENE	35	31.2	ACRES IRRIGATION	40	S	10	E
	NENW	35	36.9	ACRES IRRIGATION	40	S	10	E
	NESE	35	34.5	ACRES IRRIGATION	40	S	10	E
	NESW	35	35.3	ACRES IRRIGATION	40	S	10	E
	NWNE	35	33.6	ACRES IRRIGATION	40	S	10	E
	NWNW	35	33.6	ACRES IRRIGATION	40	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSE	35	35.5	ACRES IRRIGATION	40	S	10	E
2	NWSW	35	34.8	ACRES IRRIGATION	40	S	10	E
	SENE	35	32.1	ACRES IRRIGATION	40	S	10	E
	SENW	35	37.3	ACRES IRRIGATION	40	S	10	E
	SESE	35	36.5	ACRES IRRIGATION	40	S	10	E
	SESW	35	31.1	ACRES IRRIGATION	40	S	10	E
	SWNE	35	37.2	ACRES IRRIGATION	40	S	10	E
	SWNW	35	34.7	ACRES IRRIGATION	40	S	10	E
	SWSE	35	34.6	ACRES IRRIGATION	40	S	10	E
1	SWSW	35	32.8	ACRES IRRIGATION	40	S	10	E
	NENE	36	32.1	ACRES IRRIGATION	40	S	10	E
	NENW	36	36.1	ACRES IRRIGATION	40	S	10	E
	NESE	36	39.6	ACRES IRRIGATION	40	S	10	E
	NESW	36	37	ACRES IRRIGATION	40	S	10	E
	NWNE	36	34.5	ACRES IRRIGATION	40	S	10	E
	NWNW	36	33.9	ACRES IRRIGATION	40	S	10	E
	NWSE	36	39.1	ACRES IRRIGATION	40	S	10	E
	NWSW	36	38	ACRES IRRIGATION	40	S	10	E
	SENE	36	39.5	ACRES IRRIGATION	40	S	10	E
	SENW	36	38.9	ACRES IRRIGATION	40	S	10	E
	SESE	36	36.9	ACRES IRRIGATION	40	S	10	E
	SESW	36	34.7	ACRES IRRIGATION	40	S	10	E
	SWNE	36	38.4	ACRES IRRIGATION	40	S	10	E
	SWNW	36	33.1	ACRES IRRIGATION	40	S	10	E
	SWSE	36	37.6	ACRES IRRIGATION	40	S	10	E
	SWSW	36	36.6	ACRES IRRIGATION	40	S	10	E
4		1	0.9	ACRES IRRIGATION	40	S	11	E
15		1	5.1	ACRES IRRIGATION	40	S	11	E
6		1	14.7	ACRES IRRIGATION	40	S	11	E
5		1	35.7	ACRES IRRIGATION	40	S	11	E
11		1	37.1	ACRES IRRIGATION	40	S	11	E
14		1	37.4	ACRES IRRIGATION	40	S	11	E
12		1	39.5	ACRES IRRIGATION	40	S	11	E
13		1	39.7	ACRES IRRIGATION	40	S	11	E
	NWSW	1	0.7	ACRES IRRIGATION	40	S	11	E
8		2	26.7	ACRES IRRIGATION	40	S	11	E
15		2	31.3	ACRES IRRIGATION	40	S	11	E
19		2	35.8	ACRES IRRIGATION	40	S	11	E
4		2	36	ACRES IRRIGATION	40	S	11	E
7		2	36.2	ACRES IRRIGATION	40	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
16		2	36.7	ACRES IRRIGATION	40	S	11	E
20		2	36.7	ACRES IRRIGATION	40	S	11	E
13		2	37	ACRES IRRIGATION	40	S	11	E
2		2	37.1	ACRES IRRIGATION	40	S	11	E
5		2	37.3	ACRES IRRIGATION	40	S	11	E
9		2	37.6	ACRES IRRIGATION	40	S	11	E
3		2	38.4	ACRES IRRIGATION	40	S	11	E
12		2	38.4	ACRES IRRIGATION	40	S	11	E
14		2	38.5	ACRES IRRIGATION	40	S	11	E
18		2	38.9	ACRES IRRIGATION	40	S	11	E
17		2	39.1	ACRES IRRIGATION	40	S	11	E
1		2	39.6	ACRES IRRIGATION	40	S	11	E
6		2	39.9	ACRES IRRIGATION	40	S	11	E
11		2	40	ACRES IRRIGATION	40	S	11	E
	NESE	2	38	ACRES IRRIGATION	40	S	11	E
	NESW	2	40	ACRES IRRIGATION	40	S	11	E
	NWSE	2	40	ACRES IRRIGATION	40	S	11	E
10	NWSE	2	40	ACRES IRRIGATION	40	S	11	E
	NWSW	2	38.6	ACRES IRRIGATION	40	S	11	E
	SESE	2	19.5	ACRES IRRIGATION	40	S	11	E
	SESW	2	28.7	ACRES IRRIGATION	40	S	11	E
	SWSE	2	40	ACRES IRRIGATION	40	S	11	E
	SWSW	2	21.9	ACRES IRRIGATION	40	S	11	E
19		3	28.8	ACRES IRRIGATION	40	S	11	E
10		3	35.1	ACRES IRRIGATION	40	S	11	E
14		3	35.2	ACRES IRRIGATION	40	S	11	E
15		3	35.9	ACRES IRRIGATION	40	S	11	E
1		3	36.2	ACRES IRRIGATION	40	S	11	E
20		3	37.1	ACRES IRRIGATION	40	S	11	E
12		3	37.2	ACRES IRRIGATION	40	S	11	E
5		3	37.5	ACRES IRRIGATION	40	S	11	E
16		3	37.7	ACRES IRRIGATION	40	S	11	E
13		3	37.9	ACRES IRRIGATION	40	S	11	E
11		3	38.3	ACRES IRRIGATION	40	S	11	E
4		3	38.5	ACRES IRRIGATION	40	S	11	E
17		3	38.5	ACRES IRRIGATION	40	S	11	E
2		3	38.7	ACRES IRRIGATION	40	S	11	E
8		3	38.7	ACRES IRRIGATION	40	S	11	E
7		3	38.8	ACRES IRRIGATION	40	S	11	E
6		3	39.1	ACRES IRRIGATION	40	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
18		3	39.3	ACRES IRRIGATION	40	S	11	E
9		3	39.6	ACRES IRRIGATION	40	S	11	E
3		3	40.4	ACRES IRRIGATION	40	S	11	E
	NESE	3	39.6	ACRES IRRIGATION	40	S	11	E
	NESW	3	11.5	ACRES IRRIGATION	40	S	11	E
	NWSE	3	40	ACRES IRRIGATION	40	S	11	E
	SESE	3	40	ACRES IRRIGATION	40	S	11	E
	SESW	3	24.9	ACRES IRRIGATION	40	S	11	E
	SWSE	3	40	ACRES IRRIGATION	40	S	11	E
13		4	1	ACRES IRRIGATION	40	S	11	E
17		4	7.6	ACRES IRRIGATION	40	S	11	E
12		4	12.8	ACRES IRRIGATION	40	S	11	E
18		4	21.9	ACRES IRRIGATION	40	S	11	E
19		4	22.3	ACRES IRRIGATION	40	S	11	E
5		4	28.4	ACRES IRRIGATION	40	S	11	E
16		4	34	ACRES IRRIGATION	40	S	11	E
1		4	35.4	ACRES IRRIGATION	40	S	11	E
3		4	35.9	ACRES IRRIGATION	40	S	11	E
6		4	36.6	ACRES IRRIGATION	40	S	11	E
2		4	37.2	ACRES IRRIGATION	40	S	11	E
9		4	37.9	ACRES IRRIGATION	40	S	11	E
7		4	38.3	ACRES IRRIGATION	40	S	11	E
10		4	38.7	ACRES IRRIGATION	40	S	11	E
8		4	39	ACRES IRRIGATION	40	S	11	E
4		4	39.3	ACRES IRRIGATION	40	S	11	E
14		4	39.3	ACRES IRRIGATION	40	S	11	E
11		4	40	ACRES IRRIGATION	40	S	11	E
15		4	40	ACRES IRRIGATION	40	S	11	E
	NESW	4	1.7	ACRES IRRIGATION	40	S	11	E
	NWSE	4	1.2	ACRES IRRIGATION	40	S	11	E
	NENE	10	17.1	ACRES IRRIGATION	40	S	11	E
	NWNE	10	12.3	ACRES IRRIGATION	40	S	11	E
	NENE	11	3.5	ACRES IRRIGATION	40	S	11	E
	NENW	11	34.3	ACRES IRRIGATION	40	S	11	E
	NWNE	11	38.7	ACRES IRRIGATION	40	S	11	E
	SENW	11	4.4	ACRES IRRIGATION	40	S	11	E
	SWNE	11	8.5	ACRES IRRIGATION	40	S	11	E
	NESW	28	40	ACRES IRRIGATION	40	S	11	E
	NWSE	28	22	ACRES IRRIGATION	40	S	11	E
	NWSW	28	40	ACRES IRRIGATION	40	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	28	22.2	ACRES IRRIGATION	40	S	11	E
	SESW	28	36.6	ACRES IRRIGATION	40	S	11	E
	SWNW	28	22.9	ACRES IRRIGATION	40	S	11	E
	SWSE	28	40	ACRES IRRIGATION	40	S	11	E
	SWSW	28	19.7	ACRES IRRIGATION	40	S	11	E
	NESE	29	39.1	ACRES IRRIGATION	40	S	11	E
	NESW	29	22.8	ACRES IRRIGATION	40	S	11	E
	NWSE	29	32.7	ACRES IRRIGATION	40	S	11	E
	SENE	29	18.6	ACRES IRRIGATION	40	S	11	E
	SESE	29	16.5	ACRES IRRIGATION	40	S	11	E
	SESW	29	26.3	ACRES IRRIGATION	40	S	11	E
	SWSE	29	38.8	ACRES IRRIGATION	40	S	11	E
	NESE	30	17.5	ACRES IRRIGATION	40	S	11	E
	NESW	30	26.7	ACRES IRRIGATION	40	S	11	E
	NWSE	30	37.6	ACRES IRRIGATION	40	S	11	E
3	NWSW	30	16	ACRES IRRIGATION	40	S	11	E
	SESE	30	28.6	ACRES IRRIGATION	40	S	11	E
	SESW	30	38.5	ACRES IRRIGATION	40	S	11	E
	SWNE	30	0.5	ACRES IRRIGATION	40	S	11	E
	SWSE	30	38.5	ACRES IRRIGATION	40	S	11	E
4	SWSW	30	37.3	ACRES IRRIGATION	40	S	11	E
	NENE	31	32.1	ACRES IRRIGATION	40	S	11	E
	NENW	31	37.1	ACRES IRRIGATION	40	S	11	E
	NESE	31	38.1	ACRES IRRIGATION	40	S	11	E
	NESW	31	36.1	ACRES IRRIGATION	40	S	11	E
	NWNE	31	38.5	ACRES IRRIGATION	40	S	11	E
1	NWNW	31	35.7	ACRES IRRIGATION	40	S	11	E
	NWSE	31	32.3	ACRES IRRIGATION	40	S	11	E
3	NWSW	31	40	ACRES IRRIGATION	40	S	11	E
	SENE	31	39.6	ACRES IRRIGATION	40	S	11	E
	SENW	31	34.2	ACRES IRRIGATION	40	S	11	E
	SESE	31	33.9	ACRES IRRIGATION	40	S	11	E
	SESW	31	36.6	ACRES IRRIGATION	40	S	11	E
	SWNE	31	36.2	ACRES IRRIGATION	40	S	11	E
2	SWNW	31	34.9	ACRES IRRIGATION	40	S	11	E
	SWSE	31	37.2	ACRES IRRIGATION	40	S	11	E
4	SWSW	31	39.1	ACRES IRRIGATION	40	S	11	E
	NWSE	32	6.8	ACRES IRRIGATION	40	S	11	E
	NWSW	32	10.7	ACRES IRRIGATION	40	S	11	E
	SESE	32	6	ACRES IRRIGATION	40	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	32	10.3	ACRES IRRIGATION	40	S	11	E
	SWSE	32	6.3	ACRES IRRIGATION	40	S	11	E
	SWSW	32	37	ACRES IRRIGATION	40	S	11	E
	NENW	33	40	ACRES IRRIGATION	40	S	11	E
	NESE	33	4.3	ACRES IRRIGATION	40	S	11	E
	NESW	33	37.8	ACRES IRRIGATION	40	S	11	E
	NWNE	33	40	ACRES IRRIGATION	40	S	11	E
	NWNW	33	1.2	ACRES IRRIGATION	40	S	11	E
	NWSE	33	33.5	ACRES IRRIGATION	40	S	11	E
	NWSW	33	6.9	ACRES IRRIGATION	40	S	11	E
	SENW	33	40	ACRES IRRIGATION	40	S	11	E
	SESE	33	26.7	ACRES IRRIGATION	40	S	11	E
	SESW	33	21.4	ACRES IRRIGATION	40	S	11	E
	SWNE	33	40	ACRES IRRIGATION	40	S	11	E
	SWNW	33	6.2	ACRES IRRIGATION	40	S	11	E
	SWSE	33	25.2	ACRES IRRIGATION	40	S	11	E
	SWSW	33	5.8	ACRES IRRIGATION	40	S	11	E
	NESE	36	37.9	ACRES IRRIGATION	40	S	11	E
	NWSE	36	24.8	ACRES IRRIGATION	40	S	11	E
	SENE	36	0.9	ACRES IRRIGATION	40	S	11	E
	SESE	36	34	ACRES IRRIGATION	40	S	11	E
	SWNE	36	0.7	ACRES IRRIGATION	40	S	11	E
	SWSE	36	18.3	ACRES IRRIGATION	40	S	11	E
	SWSE	28	40	ACRES IRRIGATION	40	S	12	E
	SESE	29	37	ACRES IRRIGATION	40	S	12	E
	SESW	29	30.1	ACRES IRRIGATION	40	S	12	E
	SWSE	29	32.4	ACRES IRRIGATION	40	S	12	E
	SWSW	29	12.3	ACRES IRRIGATION	40	S	12	E
	SESE	30	37.4	ACRES IRRIGATION	40	S	12	E
	SWSE	30	36.7	ACRES IRRIGATION	40	S	12	E
	NENE	31	36.4	ACRES IRRIGATION	40	S	12	E
	NENW	31	37.5	ACRES IRRIGATION	40	S	12	E
	NESE	31	33.2	ACRES IRRIGATION	40	S	12	E
	NESW	31	0.1	ACRES IRRIGATION	40	S	12	E
	NWNE	31	39.2	ACRES IRRIGATION	40	S	12	E
1	NWNW	31	0.2	ACRES IRRIGATION	40	S	12	E
	NWSE	31	12.4	ACRES IRRIGATION	40	S	12	E
	SENE	31	38.2	ACRES IRRIGATION	40	S	12	E
	SENW	31	25	ACRES IRRIGATION	40	S	12	E
	SESE	31	30.5	ACRES IRRIGATION	40	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	31	31.8	ACRES IRRIGATION	40	S	12	E
	SWNE	31	36.7	ACRES IRRIGATION	40	S	12	E
2	SWNW	31	0.5	ACRES IRRIGATION	40	S	12	E
	SWSE	31	33.7	ACRES IRRIGATION	40	S	12	E
4	SWSW	31	8.4	ACRES IRRIGATION	40	S	12	E
	NENE	32	39.4	ACRES IRRIGATION	40	S	12	E
	NENW	32	39	ACRES IRRIGATION	40	S	12	E
	NESE	32	39	ACRES IRRIGATION	40	S	12	E
	NESW	32	39	ACRES IRRIGATION	40	S	12	E
	NWNE	32	39.3	ACRES IRRIGATION	40	S	12	E
	NWNW	32	40	ACRES IRRIGATION	40	S	12	E
	NWSE	32	39	ACRES IRRIGATION	40	S	12	E
	NWSW	32	39	ACRES IRRIGATION	40	S	12	E
	SENE	32	39.1	ACRES IRRIGATION	40	S	12	E
	SENW	32	39	ACRES IRRIGATION	40	S	12	E
	SESE	32	36.5	ACRES IRRIGATION	40	S	12	E
	SESW	32	40	ACRES IRRIGATION	40	S	12	E
	SWNE	32	38.5	ACRES IRRIGATION	40	S	12	E
	SWNW	32	38.6	ACRES IRRIGATION	40	S	12	E
	SWSE	32	34.3	ACRES IRRIGATION	40	S	12	E
	SWSW	32	40	ACRES IRRIGATION	40	S	12	E
	NENW	33	1.1	ACRES IRRIGATION	40	S	12	E
	NESE	33	40	ACRES IRRIGATION	40	S	12	E
	NESW	33	37.2	ACRES IRRIGATION	40	S	12	E
	NWNE	33	40	ACRES IRRIGATION	40	S	12	E
	NWNW	33	37.6	ACRES IRRIGATION	40	S	12	E
	NWSE	33	38.3	ACRES IRRIGATION	40	S	12	E
	NWSW	33	29.5	ACRES IRRIGATION	40	S	12	E
	SENE	33	40	ACRES IRRIGATION	40	S	12	E
	SENW	33	35.3	ACRES IRRIGATION	40	S	12	E
	SESE	33	40	ACRES IRRIGATION	40	S	12	E
	SESW	33	34.4	ACRES IRRIGATION	40	S	12	E
	SWNE	33	38	ACRES IRRIGATION	40	S	12	E
	SWNW	33	36.1	ACRES IRRIGATION	40	S	12	E
	SWSE	33	38.3	ACRES IRRIGATION	40	S	12	E
	SWSW	33	36.1	ACRES IRRIGATION	40	S	12	E
	NESE	34	1.4	ACRES IRRIGATION	40	S	12	E
	NESW	34	4	ACRES IRRIGATION	40	S	12	E
	NWSW	34	32.3	ACRES IRRIGATION	40	S	12	E
	SENW	34	11.8	ACRES IRRIGATION	40	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	34	38.5	ACRES IRRIGATION	40	S	12	E
	SESW	34	32.1	ACRES IRRIGATION	40	S	12	E
	SWNW	34	18.4	ACRES IRRIGATION	40	S	12	E
	SWSE	34	11.8	ACRES IRRIGATION	40	S	12	E
	SWSW	34	39.5	ACRES IRRIGATION	40	S	12	E
	SWSW	35	39.5	ACRES IRRIGATION	40	S	12	E
	NENW	1	32.4	ACRES IRRIGATION	41	S	8	E
	NESW	1	32.9	ACRES IRRIGATION	41	S	8	E
	NWNW	1	36	ACRES IRRIGATION	41	S	8	E
	NWSW	1	36.4	ACRES IRRIGATION	41	S	8	E
	SENW	1	32.9	ACRES IRRIGATION	41	S	8	E
	SESW	1	36	ACRES IRRIGATION	41	S	8	E
	SWNW	1	36.4	ACRES IRRIGATION	41	S	8	E
	SWSW	1	40	ACRES IRRIGATION	41	S	8	E
	NENE	2	36	ACRES IRRIGATION	41	S	8	E
	NENW	2	39	ACRES IRRIGATION	41	S	8	E
	NESE	2	38	ACRES IRRIGATION	41	S	8	E
	NESW	2	36	ACRES IRRIGATION	41	S	8	E
	NWNE	2	27.3	ACRES IRRIGATION	41	S	8	E
	NWNW	2	39	ACRES IRRIGATION	41	S	8	E
	NWSE	2	29	ACRES IRRIGATION	41	S	8	E
	NWSW	2	36	ACRES IRRIGATION	41	S	8	E
	SENE	2	36	ACRES IRRIGATION	41	S	8	E
	SENW	2	36	ACRES IRRIGATION	41	S	8	E
	SESE	2	39.2	ACRES IRRIGATION	41	S	8	E
	SESW	2	35	ACRES IRRIGATION	41	S	8	E
	SWNE	2	28.1	ACRES IRRIGATION	41	S	8	E
	SWNW	2	36.5	ACRES IRRIGATION	41	S	8	E
	SWSE	2	30.9	ACRES IRRIGATION	41	S	8	E
	SWSW	2	35	ACRES IRRIGATION	41	S	8	E
9	NENE	3	39.2	ACRES IRRIGATION	41	S	8	E
7	NENW	3	12.1	ACRES IRRIGATION	41	S	8	E
	NESE	3	36	ACRES IRRIGATION	41	S	8	E
	NESW	3	36	ACRES IRRIGATION	41	S	8	E
8	NWNE	3	32.8	ACRES IRRIGATION	41	S	8	E
	NWSE	3	30.7	ACRES IRRIGATION	41	S	8	E
5	NWSW	3	23	ACRES IRRIGATION	41	S	8	E
	SENE	3	37	ACRES IRRIGATION	41	S	8	E
	SENW	3	36.7	ACRES IRRIGATION	41	S	8	E
	SESE	3	32.8	ACRES IRRIGATION	41	S	8	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	3	32.6	ACRES IRRIGATION	41	S	8	E
6	SWNW	3	3.9	ACRES IRRIGATION	41	S	8	E
	SWSE	3	6.8	ACRES IRRIGATION	41	S	8	E
	NENE	10	11.2	ACRES IRRIGATION	41	S	8	E
	NENE	11	36.6	ACRES IRRIGATION	41	S	8	E
	NENW	11	40	ACRES IRRIGATION	41	S	8	E
	NESE	11	34.2	ACRES IRRIGATION	41	S	8	E
	NESW	11	30.8	ACRES IRRIGATION	41	S	8	E
	NWNE	11	27.7	ACRES IRRIGATION	41	S	8	E
	NWNW	11	37.2	ACRES IRRIGATION	41	S	8	E
	NWSE	11	11	ACRES IRRIGATION	41	S	8	E
	NWSW	11	11.2	ACRES IRRIGATION	41	S	8	E
	SENE	11	32.9	ACRES IRRIGATION	41	S	8	E
	SENW	11	32.9	ACRES IRRIGATION	41	S	8	E
	SESE	11	26.6	ACRES IRRIGATION	41	S	8	E
	SESW	11	40	ACRES IRRIGATION	41	S	8	E
	SWNE	11	6.2	ACRES IRRIGATION	41	S	8	E
	SWNW	11	17.4	ACRES IRRIGATION	41	S	8	E
	SWSE	11	40	ACRES IRRIGATION	41	S	8	E
	SWSW	11	8	ACRES IRRIGATION	41	S	8	E
	NENW	12	29.8	ACRES IRRIGATION	41	S	8	E
	NESW	12	32.4	ACRES IRRIGATION	41	S	8	E
	NWNW	12	35	ACRES IRRIGATION	41	S	8	E
	NWSW	12	36	ACRES IRRIGATION	41	S	8	E
	SENW	12	31.5	ACRES IRRIGATION	41	S	8	E
	SESW	12	31.5	ACRES IRRIGATION	41	S	8	E
	SWNW	12	36	ACRES IRRIGATION	41	S	8	E
	SWSW	12	35	ACRES IRRIGATION	41	S	8	E
	NENW	13	32.6	ACRES IRRIGATION	41	S	8	E
	NWNW	13	28.1	ACRES IRRIGATION	41	S	8	E
3	SENW	13	26	ACRES IRRIGATION	41	S	8	E
4	SWNW	13	33.4	ACRES IRRIGATION	41	S	8	E
	NENE	14	32.5	ACRES IRRIGATION	41	S	8	E
	NENW	14	35.6	ACRES IRRIGATION	41	S	8	E
	NWNE	14	37	ACRES IRRIGATION	41	S	8	E
	NWNW	14	4.9	ACRES IRRIGATION	41	S	8	E
1	SENE	14	34	ACRES IRRIGATION	41	S	8	E
3	SENW	14	26.4	ACRES IRRIGATION	41	S	8	E
2	SWNE	14	34	ACRES IRRIGATION	41	S	8	E
	NENW	1	40	ACRES IRRIGATION	41	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	1	7.2	ACRES IRRIGATION	41	S	9	E
	NWNE	1	28.5	ACRES IRRIGATION	41	S	9	E
	NWNW	1	14.6	ACRES IRRIGATION	41	S	9	E
	NWSE	1	2.4	ACRES IRRIGATION	41	S	9	E
	NWSW	1	11.3	ACRES IRRIGATION	41	S	9	E
	SENW	1	30.9	ACRES IRRIGATION	41	S	9	E
2	SESW	1	23.6	ACRES IRRIGATION	41	S	9	E
	SWNE	1	26.2	ACRES IRRIGATION	41	S	9	E
	SWNW	1	0.6	ACRES IRRIGATION	41	S	9	E
	SWSE	1	23.7	ACRES IRRIGATION	41	S	9	E
5	SWSW	1	4	ACRES IRRIGATION	41	S	9	E
1	SWSW	1	15.4	ACRES IRRIGATION	41	S	9	E
	NENE	2	22.2	ACRES IRRIGATION	41	S	9	E
8	NENW	2	1.3	ACRES IRRIGATION	41	S	9	E
1	NENW	2	4.3	ACRES IRRIGATION	41	S	9	E
9	NENW	2	14.9	ACRES IRRIGATION	41	S	9	E
5	NESE	2	5.4	ACRES IRRIGATION	41	S	9	E
11	NESE	2	5.4	ACRES IRRIGATION	41	S	9	E
4	NESE	2	9.1	ACRES IRRIGATION	41	S	9	E
	NESW	2	38.5	ACRES IRRIGATION	41	S	9	E
2	NWNE	2	16.7	ACRES IRRIGATION	41	S	9	E
	NWNW	2	36.9	ACRES IRRIGATION	41	S	9	E
5	NWSE	2	0.9	ACRES IRRIGATION	41	S	9	E
11	NWSE	2	36.8	ACRES IRRIGATION	41	S	9	E
	NWSW	2	36	ACRES IRRIGATION	41	S	9	E
6	SENE	2	1.9	ACRES IRRIGATION	41	S	9	E
3	SENE	2	17	ACRES IRRIGATION	41	S	9	E
10	SENW	2	37.1	ACRES IRRIGATION	41	S	9	E
12	SESE	2	26.8	ACRES IRRIGATION	41	S	9	E
	SESW	2	36.6	ACRES IRRIGATION	41	S	9	E
3	SWNE	2	2.6	ACRES IRRIGATION	41	S	9	E
10	SWNE	2	11.6	ACRES IRRIGATION	41	S	9	E
6	SWNE	2	13.3	ACRES IRRIGATION	41	S	9	E
	SWNW	2	36.1	ACRES IRRIGATION	41	S	9	E
	SWSE	2	36.1	ACRES IRRIGATION	41	S	9	E
	SWSW	2	34.2	ACRES IRRIGATION	41	S	9	E
	NENE	3	37.1	ACRES IRRIGATION	41	S	9	E
	NESE	3	38	ACRES IRRIGATION	41	S	9	E
	NWNE	3	38	ACRES IRRIGATION	41	S	9	E
	SENE	3	37.1	ACRES IRRIGATION	41	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	3	38	ACRES IRRIGATION	41	S	9	E
	SWNE	3	37.2	ACRES IRRIGATION	41	S	9	E
	SESW	5	40	ACRES IRRIGATION	41	S	9	E
	SWSW	5	37.2	ACRES IRRIGATION	41	S	9	E
	NESE	6	40	ACRES IRRIGATION	41	S	9	E
	NESW	6	40	ACRES IRRIGATION	41	S	9	E
	NWSE	6	39	ACRES IRRIGATION	41	S	9	E
	SESE	6	39	ACRES IRRIGATION	41	S	9	E
	SESW	6	37.6	ACRES IRRIGATION	41	S	9	E
	SWSE	6	37	ACRES IRRIGATION	41	S	9	E
	SWSW	6	37.6	ACRES IRRIGATION	41	S	9	E
	NENE	7	36.4	ACRES IRRIGATION	41	S	9	E
	NENW	7	36.4	ACRES IRRIGATION	41	S	9	E
	NESE	7	38.4	ACRES IRRIGATION	41	S	9	E
	NESW	7	38.4	ACRES IRRIGATION	41	S	9	E
	NWNE	7	36.4	ACRES IRRIGATION	41	S	9	E
	NWNW	7	36.2	ACRES IRRIGATION	41	S	9	E
	NWSE	7	38.4	ACRES IRRIGATION	41	S	9	E
	NWSW	7	38.4	ACRES IRRIGATION	41	S	9	E
	SENE	7	40	ACRES IRRIGATION	41	S	9	E
	SENW	7	40	ACRES IRRIGATION	41	S	9	E
	SESE	7	40	ACRES IRRIGATION	41	S	9	E
	SESW	7	40	ACRES IRRIGATION	41	S	9	E
	SWNE	7	40	ACRES IRRIGATION	41	S	9	E
	SWNW	7	40	ACRES IRRIGATION	41	S	9	E
	SWSE	7	40	ACRES IRRIGATION	41	S	9	E
	SWSW	7	40	ACRES IRRIGATION	41	S	9	E
	NENW	8	32.8	ACRES IRRIGATION	41	S	9	E
	NWNW	8	30.8	ACRES IRRIGATION	41	S	9	E
	NENE	11	37.1	ACRES IRRIGATION	41	S	9	E
	NENW	11	34.2	ACRES IRRIGATION	41	S	9	E
	NESE	11	39.2	ACRES IRRIGATION	41	S	9	E
	NESW	11	36.6	ACRES IRRIGATION	41	S	9	E
	NWNE	11	38.4	ACRES IRRIGATION	41	S	9	E
	NWNW	11	35.3	ACRES IRRIGATION	41	S	9	E
	NWSE	11	39.4	ACRES IRRIGATION	41	S	9	E
	NWSW	11	38	ACRES IRRIGATION	41	S	9	E
	SENE	11	38	ACRES IRRIGATION	41	S	9	E
	SENW	11	36.2	ACRES IRRIGATION	41	S	9	E
	SESE	11	38.2	ACRES IRRIGATION	41	S	9	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	11	35.3	ACRES IRRIGATION	41	S	9	E
	SWNE	11	39.5	ACRES IRRIGATION	41	S	9	E
	SWNW	11	38	ACRES IRRIGATION	41	S	9	E
	SWSE	11	37.1	ACRES IRRIGATION	41	S	9	E
	SWSW	11	37	ACRES IRRIGATION	41	S	9	E
9	NESE	12	2.5	ACRES IRRIGATION	41	S	9	E
3	NESE	12	19.1	ACRES IRRIGATION	41	S	9	E
	NESW	12	38	ACRES IRRIGATION	41	S	9	E
1	NWNE	12	1.6	ACRES IRRIGATION	41	S	9	E
6	NWNW	12	30.4	ACRES IRRIGATION	41	S	9	E
3	NWSE	12	0.7	ACRES IRRIGATION	41	S	9	E
8	NWSE	12	27.6	ACRES IRRIGATION	41	S	9	E
	NWSW	12	36.4	ACRES IRRIGATION	41	S	9	E
4	SENE	12	0.1	ACRES IRRIGATION	41	S	9	E
	SENW	12	38.1	ACRES IRRIGATION	41	S	9	E
10	SESE	12	19.6	ACRES IRRIGATION	41	S	9	E
	SESW	12	38	ACRES IRRIGATION	41	S	9	E
4	SWNE	12	1.8	ACRES IRRIGATION	41	S	9	E
7	SWNE	12	10.9	ACRES IRRIGATION	41	S	9	E
	SWNW	12	36.4	ACRES IRRIGATION	41	S	9	E
	SWSE	12	34.8	ACRES IRRIGATION	41	S	9	E
	SWSW	12	36.4	ACRES IRRIGATION	41	S	9	E
	NENE	13	40	ACRES IRRIGATION	41	S	9	E
	NENW	13	37.2	ACRES IRRIGATION	41	S	9	E
1	NESE	13	22.2	ACRES IRRIGATION	41	S	9	E
3	NESW	13	19.1	ACRES IRRIGATION	41	S	9	E
	NWNE	13	40	ACRES IRRIGATION	41	S	9	E
	NWNW	13	38	ACRES IRRIGATION	41	S	9	E
2	NWSE	13	21	ACRES IRRIGATION	41	S	9	E
4	NWSW	13	19.2	ACRES IRRIGATION	41	S	9	E
	SENE	13	40	ACRES IRRIGATION	41	S	9	E
	SENW	13	37.2	ACRES IRRIGATION	41	S	9	E
	SWNE	13	40	ACRES IRRIGATION	41	S	9	E
	SWNW	13	38	ACRES IRRIGATION	41	S	9	E
	NENE	1	41.5	ACRES IRRIGATION	41	S	10	E
	NENW	1	38	ACRES IRRIGATION	41	S	10	E
	NESE	1	37	ACRES IRRIGATION	41	S	10	E
	NESW	1	40	ACRES IRRIGATION	41	S	10	E
	NWNE	1	41	ACRES IRRIGATION	41	S	10	E
	NWNW	1	25.6	ACRES IRRIGATION	41	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSE	1	39	ACRES IRRIGATION	41	S	10	E
	NWSW	1	34.2	ACRES IRRIGATION	41	S	10	E
	SENE	1	40.8	ACRES IRRIGATION	41	S	10	E
	SENW	1	38.2	ACRES IRRIGATION	41	S	10	E
	SESE	1	28.3	ACRES IRRIGATION	41	S	10	E
	SESW	1	0.6	ACRES IRRIGATION	41	S	10	E
	SWNE	1	37.2	ACRES IRRIGATION	41	S	10	E
	SWNW	1	36.1	ACRES IRRIGATION	41	S	10	E
	SWSE	1	24.6	ACRES IRRIGATION	41	S	10	E
	NENE	2	37.1	ACRES IRRIGATION	41	S	10	E
	NENW	2	29.4	ACRES IRRIGATION	41	S	10	E
	NESE	2	32.3	ACRES IRRIGATION	41	S	10	E
	NESW	2	32	ACRES IRRIGATION	41	S	10	E
	NWNE	2	37.2	ACRES IRRIGATION	41	S	10	E
	NWNW	2	0.2	ACRES IRRIGATION	41	S	10	E
4	NWNW	2	32.1	ACRES IRRIGATION	41	S	10	E
	NWSE	2	31.8	ACRES IRRIGATION	41	S	10	E
	NWSW	2	2.7	ACRES IRRIGATION	41	S	10	E
2	NWSW	2	27.7	ACRES IRRIGATION	41	S	10	E
	SENE	2	27	ACRES IRRIGATION	41	S	10	E
	SENW	2	35.4	ACRES IRRIGATION	41	S	10	E
	SESW	2	38.5	ACRES IRRIGATION	41	S	10	E
	SWNE	2	26.1	ACRES IRRIGATION	41	S	10	E
5	SWNW	2	1.9	ACRES IRRIGATION	41	S	10	E
	SWNW	2	3	ACRES IRRIGATION	41	S	10	E
3	SWNW	2	27.5	ACRES IRRIGATION	41	S	10	E
	SWSE	2	18.6	ACRES IRRIGATION	41	S	10	E
1	SWSW	2	19	ACRES IRRIGATION	41	S	10	E
	NENE	3	1.1	ACRES IRRIGATION	41	S	10	E
1	NENE	3	13.6	ACRES IRRIGATION	41	S	10	E
	NENW	3	26.2	ACRES IRRIGATION	41	S	10	E
	NESE	3	35	ACRES IRRIGATION	41	S	10	E
	NESW	3	33	ACRES IRRIGATION	41	S	10	E
	NWNE	3	25.2	ACRES IRRIGATION	41	S	10	E
	NWNW	3	34.5	ACRES IRRIGATION	41	S	10	E
	NWSE	3	39	ACRES IRRIGATION	41	S	10	E
	NWSW	3	22.2	ACRES IRRIGATION	41	S	10	E
3	SENE	3	36.5	ACRES IRRIGATION	41	S	10	E
	SENW	3	39.6	ACRES IRRIGATION	41	S	10	E
	SESE	3	29.8	ACRES IRRIGATION	41	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	3	0.3	ACRES IRRIGATION	41	S	10	E
	SWNE	3	35.2	ACRES IRRIGATION	41	S	10	E
	SWNW	3	39.8	ACRES IRRIGATION	41	S	10	E
	SWSE	3	30.1	ACRES IRRIGATION	41	S	10	E
	NENE	4	35.2	ACRES IRRIGATION	41	S	10	E
	SENE	4	37	ACRES IRRIGATION	41	S	10	E
2	NESW	7	16	ACRES IRRIGATION	41	S	10	E
	NWSE	7	0.3	ACRES IRRIGATION	41	S	10	E
1	NWSW	7	15.2	ACRES IRRIGATION	41	S	10	E
4	NWSW	7	16.2	ACRES IRRIGATION	41	S	10	E
	SESE	7	6.9	ACRES IRRIGATION	41	S	10	E
2	SESW	7	16.9	ACRES IRRIGATION	41	S	10	E
6	SESW	7	18.8	ACRES IRRIGATION	41	S	10	E
6	SWSE	7	0.3	ACRES IRRIGATION	41	S	10	E
3	SWSE	7	30.9	ACRES IRRIGATION	41	S	10	E
5	SWSW	7	38.7	ACRES IRRIGATION	41	S	10	E
	NWSE	8	3.2	ACRES IRRIGATION	41	S	10	E
	SESE	8	12.7	ACRES IRRIGATION	41	S	10	E
	SWSE	8	28.2	ACRES IRRIGATION	41	S	10	E
	NESW	9	7.3	ACRES IRRIGATION	41	S	10	E
	NWSW	9	11.8	ACRES IRRIGATION	41	S	10	E
	SESE	9	35	ACRES IRRIGATION	41	S	10	E
	SESW	9	33.4	ACRES IRRIGATION	41	S	10	E
	SWSE	9	38.5	ACRES IRRIGATION	41	S	10	E
	SWSW	9	38	ACRES IRRIGATION	41	S	10	E
	NENE	10	38.3	ACRES IRRIGATION	41	S	10	E
	NESE	10	29	ACRES IRRIGATION	41	S	10	E
	NWNE	10	26.9	ACRES IRRIGATION	41	S	10	E
	NWSE	10	37.8	ACRES IRRIGATION	41	S	10	E
	SENE	10	37.8	ACRES IRRIGATION	41	S	10	E
	SESE	10	34.9	ACRES IRRIGATION	41	S	10	E
	SESW	10	32.8	ACRES IRRIGATION	41	S	10	E
	SWNE	10	10.5	ACRES IRRIGATION	41	S	10	E
	SWSE	10	38.4	ACRES IRRIGATION	41	S	10	E
	SWSW	10	33.1	ACRES IRRIGATION	41	S	10	E
4	NENE	11	6.7	ACRES IRRIGATION	41	S	10	E
1	NENW	11	2.4	ACRES IRRIGATION	41	S	10	E
6	NENW	11	23.6	ACRES IRRIGATION	41	S	10	E
	NESE	11	35.3	ACRES IRRIGATION	41	S	10	E
	NESW	11	29.8	ACRES IRRIGATION	41	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
5	NWNE	11	6.8	ACRES IRRIGATION	41	S	10	E
7	NWNW	11	27.3	ACRES IRRIGATION	41	S	10	E
	NWSE	11	31.4	ACRES IRRIGATION	41	S	10	E
	NWSW	11	34.5	ACRES IRRIGATION	41	S	10	E
	SENE	11	31.7	ACRES IRRIGATION	41	S	10	E
	SENW	11	34.3	ACRES IRRIGATION	41	S	10	E
	SESE	11	35.4	ACRES IRRIGATION	41	S	10	E
	SESW	11	38.9	ACRES IRRIGATION	41	S	10	E
	SWNE	11	32.2	ACRES IRRIGATION	41	S	10	E
	SWNW	11	29.4	ACRES IRRIGATION	41	S	10	E
	SWSE	11	33.3	ACRES IRRIGATION	41	S	10	E
	SWSW	11	17.2	ACRES IRRIGATION	41	S	10	E
	NENE	12	31.5	ACRES IRRIGATION	41	S	10	E
	NENW	12	2.7	ACRES IRRIGATION	41	S	10	E
4	NENW	12	4.8	ACRES IRRIGATION	41	S	10	E
3	NENW	12	21.2	ACRES IRRIGATION	41	S	10	E
5	NWNE	12	33.9	ACRES IRRIGATION	41	S	10	E
1	NWNW	12	1	ACRES IRRIGATION	41	S	10	E
	NWSW	12	17.8	ACRES IRRIGATION	41	S	10	E
6	SENE	12	1.5	ACRES IRRIGATION	41	S	10	E
7	SENE	12	15.5	ACRES IRRIGATION	41	S	10	E
4	SENW	12	22	ACRES IRRIGATION	41	S	10	E
	SESE	12	0.2	ACRES IRRIGATION	41	S	10	E
12	SESE	12	18.9	ACRES IRRIGATION	41	S	10	E
	SWNE	12	3.9	ACRES IRRIGATION	41	S	10	E
6	SWNE	12	17.4	ACRES IRRIGATION	41	S	10	E
	SWNW	12	22.9	ACRES IRRIGATION	41	S	10	E
	NENE	13	38.4	ACRES IRRIGATION	41	S	10	E
	NENW	13	35.5	ACRES IRRIGATION	41	S	10	E
1	NESE	13	26	ACRES IRRIGATION	41	S	10	E
3	NESW	13	31.8	ACRES IRRIGATION	41	S	10	E
	NWNE	13	39	ACRES IRRIGATION	41	S	10	E
	NWNW	13	33.2	ACRES IRRIGATION	41	S	10	E
2	NWSE	13	32.1	ACRES IRRIGATION	41	S	10	E
4	NWSW	13	29.3	ACRES IRRIGATION	41	S	10	E
	SENE	13	40	ACRES IRRIGATION	41	S	10	E
	SENW	13	36.7	ACRES IRRIGATION	41	S	10	E
	SWNE	13	37	ACRES IRRIGATION	41	S	10	E
	SWNW	13	36.5	ACRES IRRIGATION	41	S	10	E
	NENE	14	36.1	ACRES IRRIGATION	41	S	10	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENW	14	27.3	ACRES IRRIGATION	41	S	10	E
1	NESE	14	8.3	ACRES IRRIGATION	41	S	10	E
3	NESW	14	25.9	ACRES IRRIGATION	41	S	10	E
	NWNE	14	35.2	ACRES IRRIGATION	41	S	10	E
	NWNW	14	27.8	ACRES IRRIGATION	41	S	10	E
2	NWSE	14	15.5	ACRES IRRIGATION	41	S	10	E
4	NWSW	14	4.8	ACRES IRRIGATION	41	S	10	E
	SENE	14	34.6	ACRES IRRIGATION	41	S	10	E
	SENW	14	11	ACRES IRRIGATION	41	S	10	E
	SWNE	14	7.2	ACRES IRRIGATION	41	S	10	E
	SWNW	14	38.4	ACRES IRRIGATION	41	S	10	E
	NENE	15	3.3	ACRES IRRIGATION	41	S	10	E
	SENE	15	0.4	ACRES IRRIGATION	41	S	10	E
	NWNW	16	36.9	ACRES IRRIGATION	41	S	10	E
	SWNW	16	10.4	ACRES IRRIGATION	41	S	10	E
	NENE	17	39.2	ACRES IRRIGATION	41	S	10	E
7	NESW	17	4.5	ACRES IRRIGATION	41	S	10	E
	NWNE	17	38.8	ACRES IRRIGATION	41	S	10	E
6	NWSW	17	24.1	ACRES IRRIGATION	41	S	10	E
5	SWNW	17	5.2	ACRES IRRIGATION	41	S	10	E
5	NENE	18	6.6	ACRES IRRIGATION	41	S	10	E
1	NENE	18	30.5	ACRES IRRIGATION	41	S	10	E
	NENW	18	38.9	ACRES IRRIGATION	41	S	10	E
6	NESE	18	23.4	ACRES IRRIGATION	41	S	10	E
8	NESW	18	25	ACRES IRRIGATION	41	S	10	E
1	NWNE	18	10.9	ACRES IRRIGATION	41	S	10	E
2	NWNE	18	21.8	ACRES IRRIGATION	41	S	10	E
3	NWNW	18	37.5	ACRES IRRIGATION	41	S	10	E
7	NWSE	18	24.7	ACRES IRRIGATION	41	S	10	E
9	NWSW	18	24.6	ACRES IRRIGATION	41	S	10	E
1	SENE	18	0.7	ACRES IRRIGATION	41	S	10	E
5	SENE	18	30.8	ACRES IRRIGATION	41	S	10	E
	SENW	18	40	ACRES IRRIGATION	41	S	10	E
	SWNE	18	38	ACRES IRRIGATION	41	S	10	E
4	SWNW	18	41	ACRES IRRIGATION	41	S	10	E
	NENE	1	39.9	ACRES IRRIGATION	41	S	11	E
	NENW	1	24.7	ACRES IRRIGATION	41	S	11	E
	NESE	1	35.6	ACRES IRRIGATION	41	S	11	E
	NESW	1	37.1	ACRES IRRIGATION	41	S	11	E
	NWNE	1	36.8	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	1	4.4	ACRES IRRIGATION	41	S	11	E
	NWSE	1	37.6	ACRES IRRIGATION	41	S	11	E
	NWSW	1	13.9	ACRES IRRIGATION	41	S	11	E
	SENE	1	36.7	ACRES IRRIGATION	41	S	11	E
	SENW	1	37	ACRES IRRIGATION	41	S	11	E
	SESE	1	39.8	ACRES IRRIGATION	41	S	11	E
	SESW	1	39.3	ACRES IRRIGATION	41	S	11	E
	SWNE	1	34.9	ACRES IRRIGATION	41	S	11	E
	SWNW	1	20.3	ACRES IRRIGATION	41	S	11	E
	SWSE	1	38.3	ACRES IRRIGATION	41	S	11	E
	SWSW	1	36.4	ACRES IRRIGATION	41	S	11	E
	NENW	2	0.7	ACRES IRRIGATION	41	S	11	E
	NESE	2	26	ACRES IRRIGATION	41	S	11	E
	NESW	2	30.5	ACRES IRRIGATION	41	S	11	E
	NWNE	2	28.1	ACRES IRRIGATION	41	S	11	E
	NWSE	2	34.2	ACRES IRRIGATION	41	S	11	E
	NWSW	2	28.4	ACRES IRRIGATION	41	S	11	E
	SENE	2	25.8	ACRES IRRIGATION	41	S	11	E
	SENW	2	11.1	ACRES IRRIGATION	41	S	11	E
	SESE	2	33.3	ACRES IRRIGATION	41	S	11	E
	SESW	2	36	ACRES IRRIGATION	41	S	11	E
	SWNE	2	40	ACRES IRRIGATION	41	S	11	E
	SWSE	2	32.3	ACRES IRRIGATION	41	S	11	E
	SWSW	2	36.2	ACRES IRRIGATION	41	S	11	E
	NESE	3	35.8	ACRES IRRIGATION	41	S	11	E
	NWNE	3	0.1	ACRES IRRIGATION	41	S	11	E
	NWNW	3	4.3	ACRES IRRIGATION	41	S	11	E
	NWSE	3	30.7	ACRES IRRIGATION	41	S	11	E
	SENE	3	15.4	ACRES IRRIGATION	41	S	11	E
	SESE	3	33.4	ACRES IRRIGATION	41	S	11	E
	SWNE	3	12.8	ACRES IRRIGATION	41	S	11	E
	SWSE	3	32.1	ACRES IRRIGATION	41	S	11	E
	NENE	4	38.9	ACRES IRRIGATION	41	S	11	E
	NENW	4	17.7	ACRES IRRIGATION	41	S	11	E
	NESW	4	40	ACRES IRRIGATION	41	S	11	E
	NWNE	4	19.7	ACRES IRRIGATION	41	S	11	E
	NWNW	4	31.6	ACRES IRRIGATION	41	S	11	E
	NWSE	4	29.1	ACRES IRRIGATION	41	S	11	E
	NWSW	4	40	ACRES IRRIGATION	41	S	11	E
	SENE	4	15.3	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	4	35.7	ACRES IRRIGATION	41	S	11	E
	SESW	4	31.1	ACRES IRRIGATION	41	S	11	E
	SWNW	4	40	ACRES IRRIGATION	41	S	11	E
	SWSE	4	32.8	ACRES IRRIGATION	41	S	11	E
	SWSW	4	31	ACRES IRRIGATION	41	S	11	E
	NENE	5	21.2	ACRES IRRIGATION	41	S	11	E
	NENW	5	38.5	ACRES IRRIGATION	41	S	11	E
	NESE	5	38	ACRES IRRIGATION	41	S	11	E
	NESW	5	38.6	ACRES IRRIGATION	41	S	11	E
	NWNE	5	34.8	ACRES IRRIGATION	41	S	11	E
	NWNW	5	34.2	ACRES IRRIGATION	41	S	11	E
	NWSE	5	40.5	ACRES IRRIGATION	41	S	11	E
	NWSW	5	38	ACRES IRRIGATION	41	S	11	E
	SENE	5	38.9	ACRES IRRIGATION	41	S	11	E
	SENW	5	38.7	ACRES IRRIGATION	41	S	11	E
	SESE	5	28.7	ACRES IRRIGATION	41	S	11	E
	SESW	5	29.1	ACRES IRRIGATION	41	S	11	E
	SWNE	5	38.1	ACRES IRRIGATION	41	S	11	E
	SWNW	5	38.6	ACRES IRRIGATION	41	S	11	E
	SWSE	5	32	ACRES IRRIGATION	41	S	11	E
	SWSW	5	30.7	ACRES IRRIGATION	41	S	11	E
	NENE	6	36.4	ACRES IRRIGATION	41	S	11	E
	NENW	6	39.7	ACRES IRRIGATION	41	S	11	E
	NESE	6	33.6	ACRES IRRIGATION	41	S	11	E
	NESW	6	38.9	ACRES IRRIGATION	41	S	11	E
	NWNE	6	38.2	ACRES IRRIGATION	41	S	11	E
	NWNW	6	39.8	ACRES IRRIGATION	41	S	11	E
	NWSE	6	40	ACRES IRRIGATION	41	S	11	E
	NWSW	6	38	ACRES IRRIGATION	41	S	11	E
	SENE	6	34.1	ACRES IRRIGATION	41	S	11	E
	SENW	6	40	ACRES IRRIGATION	41	S	11	E
	SESE	6	29.5	ACRES IRRIGATION	41	S	11	E
	SESW	6	29.3	ACRES IRRIGATION	41	S	11	E
	SWNE	6	36.5	ACRES IRRIGATION	41	S	11	E
	SWNW	6	40	ACRES IRRIGATION	41	S	11	E
	SWSE	6	35.2	ACRES IRRIGATION	41	S	11	E
	SWSW	6	31.4	ACRES IRRIGATION	41	S	11	E
	NENE	7	39.2	ACRES IRRIGATION	41	S	11	E
	NENW	7	33.1	ACRES IRRIGATION	41	S	11	E
	NESE	7	37.4	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	NESW	7	37.4	ACRES IRRIGATION	41	S	11	E
	NWNE	7	33	ACRES IRRIGATION	41	S	11	E
1	NWNW	7	36.9	ACRES IRRIGATION	41	S	11	E
	NWSE	7	36.3	ACRES IRRIGATION	41	S	11	E
11	NWSW	7	5.3	ACRES IRRIGATION	41	S	11	E
10	NWSW	7	9.4	ACRES IRRIGATION	41	S	11	E
	SENE	7	28.1	ACRES IRRIGATION	41	S	11	E
	SENW	7	30.3	ACRES IRRIGATION	41	S	11	E
6	SESE	7	1.2	ACRES IRRIGATION	41	S	11	E
5	SESE	7	31.4	ACRES IRRIGATION	41	S	11	E
3	SESW	7	4	ACRES IRRIGATION	41	S	11	E
8	SESW	7	29.4	ACRES IRRIGATION	41	S	11	E
	SWNE	7	34	ACRES IRRIGATION	41	S	11	E
2	SWNW	7	34	ACRES IRRIGATION	41	S	11	E
7	SWSE	7	5.1	ACRES IRRIGATION	41	S	11	E
4	SWSE	7	22.6	ACRES IRRIGATION	41	S	11	E
9	SWSW	7	38.3	ACRES IRRIGATION	41	S	11	E
	NENE	8	31.9	ACRES IRRIGATION	41	S	11	E
	NENW	8	39.2	ACRES IRRIGATION	41	S	11	E
14	NESE	8	3.1	ACRES IRRIGATION	41	S	11	E
13	NESE	8	25.7	ACRES IRRIGATION	41	S	11	E
4	NESW	8	3.6	ACRES IRRIGATION	41	S	11	E
8	NESW	8	23.8	ACRES IRRIGATION	41	S	11	E
	NWNE	8	35.5	ACRES IRRIGATION	41	S	11	E
	NWNW	8	33.8	ACRES IRRIGATION	41	S	11	E
12	NWSE	8	11.8	ACRES IRRIGATION	41	S	11	E
9	NWSE	8	29	ACRES IRRIGATION	41	S	11	E
	NWSW	8	33.5	ACRES IRRIGATION	41	S	11	E
13	SENE	8	0.7	ACRES IRRIGATION	41	S	11	E
15	SENE	8	9.1	ACRES IRRIGATION	41	S	11	E
1	SENE	8	17	ACRES IRRIGATION	41	S	11	E
3	SENW	8	35	ACRES IRRIGATION	41	S	11	E
	SESE	8	39	ACRES IRRIGATION	41	S	11	E
7	SESW	8	36.4	ACRES IRRIGATION	41	S	11	E
16	SWNE	8	0.2	ACRES IRRIGATION	41	S	11	E
12	SWNE	8	1.3	ACRES IRRIGATION	41	S	11	E
9	SWNE	8	3.2	ACRES IRRIGATION	41	S	11	E
2	SWNE	8	24.1	ACRES IRRIGATION	41	S	11	E
	SWNW	8	29.2	ACRES IRRIGATION	41	S	11	E
11	SWSE	8	15	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
10	SWSE	8	25	ACRES IRRIGATION	41	S	11	E
7	SWSW	8	0.4	ACRES IRRIGATION	41	S	11	E
5	SWSW	8	19.4	ACRES IRRIGATION	41	S	11	E
	NENE	9	22.6	ACRES IRRIGATION	41	S	11	E
	NENW	9	35.3	ACRES IRRIGATION	41	S	11	E
8	NESE	9	40.2	ACRES IRRIGATION	41	S	11	E
	NESW	9	39.9	ACRES IRRIGATION	41	S	11	E
	NWNE	9	28.3	ACRES IRRIGATION	41	S	11	E
	NWNW	9	36	ACRES IRRIGATION	41	S	11	E
7	NWSE	9	38.3	ACRES IRRIGATION	41	S	11	E
10	NWSW	9	8	ACRES IRRIGATION	41	S	11	E
9	NWSW	9	27.7	ACRES IRRIGATION	41	S	11	E
8	SENE	9	8.4	ACRES IRRIGATION	41	S	11	E
1	SENE	9	31.1	ACRES IRRIGATION	41	S	11	E
6	SENW	9	14.2	ACRES IRRIGATION	41	S	11	E
3	SENW	9	26.5	ACRES IRRIGATION	41	S	11	E
	SESE	9	38.9	ACRES IRRIGATION	41	S	11	E
10	SESW	9	3.2	ACRES IRRIGATION	41	S	11	E
11	SESW	9	26.6	ACRES IRRIGATION	41	S	11	E
7	SWNE	9	8.9	ACRES IRRIGATION	41	S	11	E
2	SWNE	9	26.8	ACRES IRRIGATION	41	S	11	E
5	SWNW	9	15.9	ACRES IRRIGATION	41	S	11	E
4	SWNW	9	23.2	ACRES IRRIGATION	41	S	11	E
	SWSE	9	37	ACRES IRRIGATION	41	S	11	E
9	SWSW	9	1.3	ACRES IRRIGATION	41	S	11	E
10	SWSW	9	30.7	ACRES IRRIGATION	41	S	11	E
	NENE	10	36	ACRES IRRIGATION	41	S	11	E
	NENW	10	1.6	ACRES IRRIGATION	41	S	11	E
1	NESE	10	1.2	ACRES IRRIGATION	41	S	11	E
8	NESE	10	25	ACRES IRRIGATION	41	S	11	E
6	NESW	10	37.5	ACRES IRRIGATION	41	S	11	E
	NWNE	10	6.1	ACRES IRRIGATION	41	S	11	E
	NWNW	10	21.6	ACRES IRRIGATION	41	S	11	E
2	NWSE	10	2.4	ACRES IRRIGATION	41	S	11	E
7	NWSE	10	29.4	ACRES IRRIGATION	41	S	11	E
5	NWSW	10	40	ACRES IRRIGATION	41	S	11	E
1	SENE	10	22.5	ACRES IRRIGATION	41	S	11	E
6	SENW	10	0.9	ACRES IRRIGATION	41	S	11	E
3	SENW	10	34.4	ACRES IRRIGATION	41	S	11	E
	SESE	10	36.1	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	10	35.6	ACRES IRRIGATION	41	S	11	E
2	SWNE	10	8	ACRES IRRIGATION	41	S	11	E
5	SWNW	10	4.9	ACRES IRRIGATION	41	S	11	E
4	SWNW	10	32.4	ACRES IRRIGATION	41	S	11	E
	SWSE	10	39.4	ACRES IRRIGATION	41	S	11	E
	SWSW	10	40	ACRES IRRIGATION	41	S	11	E
8	NENE	11	7.8	ACRES IRRIGATION	41	S	11	E
1	NENE	11	32.8	ACRES IRRIGATION	41	S	11	E
	NENW	11	40	ACRES IRRIGATION	41	S	11	E
14	NESE	11	0.2	ACRES IRRIGATION	41	S	11	E
9	NESE	11	37.8	ACRES IRRIGATION	41	S	11	E
6	NESW	11	38.1	ACRES IRRIGATION	41	S	11	E
	NWNE	11	38.5	ACRES IRRIGATION	41	S	11	E
	NWNW	11	40	ACRES IRRIGATION	41	S	11	E
	NWSE	11	38.1	ACRES IRRIGATION	41	S	11	E
4	NWSW	11	1.2	ACRES IRRIGATION	41	S	11	E
5	NWSW	11	31.2	ACRES IRRIGATION	41	S	11	E
8	SENE	11	39.5	ACRES IRRIGATION	41	S	11	E
6	SENW	11	13	ACRES IRRIGATION	41	S	11	E
3	SENW	11	24.5	ACRES IRRIGATION	41	S	11	E
9	SESE	11	3.9	ACRES IRRIGATION	41	S	11	E
14	SESE	11	31.8	ACRES IRRIGATION	41	S	11	E
12	SESW	11	5.6	ACRES IRRIGATION	41	S	11	E
11	SESW	11	28.5	ACRES IRRIGATION	41	S	11	E
2	SWNE	11	7.6	ACRES IRRIGATION	41	S	11	E
7	SWNE	11	26.9	ACRES IRRIGATION	41	S	11	E
5	SWNW	11	1.1	ACRES IRRIGATION	41	S	11	E
4	SWNW	11	37.4	ACRES IRRIGATION	41	S	11	E
13	SWSE	11	21.6	ACRES IRRIGATION	41	S	11	E
	SWSW	11	27.4	ACRES IRRIGATION	41	S	11	E
1	NENE	12	3.4	ACRES IRRIGATION	41	S	11	E
8	NENE	12	37	ACRES IRRIGATION	41	S	11	E
3	NENW	12	15.3	ACRES IRRIGATION	41	S	11	E
6	NENW	12	24.9	ACRES IRRIGATION	41	S	11	E
11	NESW	12	14.1	ACRES IRRIGATION	41	S	11	E
16	NESW	12	21	ACRES IRRIGATION	41	S	11	E
2	NWNE	12	9	ACRES IRRIGATION	41	S	11	E
7	NWNE	12	30.1	ACRES IRRIGATION	41	S	11	E
5	NWNW	12	19.3	ACRES IRRIGATION	41	S	11	E
4	NWNW	12	21.2	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
15	NWSE	12	33.5	ACRES IRRIGATION	41	S	11	E
17	NWSW	12	6.7	ACRES IRRIGATION	41	S	11	E
12	NWSW	12	27.7	ACRES IRRIGATION	41	S	11	E
13	SENE	12	7.1	ACRES IRRIGATION	41	S	11	E
9	SENE	12	28.7	ACRES IRRIGATION	41	S	11	E
	SENW	12	36.9	ACRES IRRIGATION	41	S	11	E
21	SESE	12	35.2	ACRES IRRIGATION	41	S	11	E
19	SESW	12	35.9	ACRES IRRIGATION	41	S	11	E
10	SWNE	12	37.3	ACRES IRRIGATION	41	S	11	E
	SWNW	12	37.2	ACRES IRRIGATION	41	S	11	E
20	SWSE	12	36.4	ACRES IRRIGATION	41	S	11	E
18	SWSW	12	33.2	ACRES IRRIGATION	41	S	11	E
17	NENE	13	38.9	ACRES IRRIGATION	41	S	11	E
28	NENW	13	17.4	ACRES IRRIGATION	41	S	11	E
29	NENW	13	17.4	ACRES IRRIGATION	41	S	11	E
9	NESE	13	38.4	ACRES IRRIGATION	41	S	11	E
11	NESW	13	39	ACRES IRRIGATION	41	S	11	E
27	NWNE	13	8.8	ACRES IRRIGATION	41	S	11	E
18	NWNE	13	9	ACRES IRRIGATION	41	S	11	E
26	NWNE	13	14.5	ACRES IRRIGATION	41	S	11	E
30	NWNW	13	8.8	ACRES IRRIGATION	41	S	11	E
31	NWNW	13	24.1	ACRES IRRIGATION	41	S	11	E
10	NWSE	13	39	ACRES IRRIGATION	41	S	11	E
12	NWSW	13	39.5	ACRES IRRIGATION	41	S	11	E
24	SENE	13	7.1	ACRES IRRIGATION	41	S	11	E
25	SENE	13	25.3	ACRES IRRIGATION	41	S	11	E
34	SENW	13	20	ACRES IRRIGATION	41	S	11	E
35	SENW	13	20	ACRES IRRIGATION	41	S	11	E
16	SESE	13	10.9	ACRES IRRIGATION	41	S	11	E
38	SESW	13	4.8	ACRES IRRIGATION	41	S	11	E
39	SESW	13	5	ACRES IRRIGATION	41	S	11	E
36	SWNE	13	9.5	ACRES IRRIGATION	41	S	11	E
37	SWNE	13	28.5	ACRES IRRIGATION	41	S	11	E
33	SWNW	13	10	ACRES IRRIGATION	41	S	11	E
32	SWNW	13	29.5	ACRES IRRIGATION	41	S	11	E
15	SWSE	13	8.8	ACRES IRRIGATION	41	S	11	E
13	SWSW	13	8.9	ACRES IRRIGATION	41	S	11	E
17	NENE	14	7.6	ACRES IRRIGATION	41	S	11	E
20	NENE	14	23.9	ACRES IRRIGATION	41	S	11	E
3	NENW	14	34.5	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
9	NESE	14	38.5	ACRES IRRIGATION	41	S	11	E
11	NESW	14	40.4	ACRES IRRIGATION	41	S	11	E
19	NWNE	14	15.4	ACRES IRRIGATION	41	S	11	E
18	NWNE	14	18.7	ACRES IRRIGATION	41	S	11	E
4	NWNW	14	30.4	ACRES IRRIGATION	41	S	11	E
10	NWSE	14	37.7	ACRES IRRIGATION	41	S	11	E
12	NWSW	14	38.6	ACRES IRRIGATION	41	S	11	E
8	SENE	14	38.5	ACRES IRRIGATION	41	S	11	E
6	SENW	14	37	ACRES IRRIGATION	41	S	11	E
16	SESE	14	6.8	ACRES IRRIGATION	41	S	11	E
14	SESW	14	7.2	ACRES IRRIGATION	41	S	11	E
7	SWNE	14	38.5	ACRES IRRIGATION	41	S	11	E
5	SWNW	14	36	ACRES IRRIGATION	41	S	11	E
21	SWSE	14	2.1	ACRES IRRIGATION	41	S	11	E
22	SWSE	14	4	ACRES IRRIGATION	41	S	11	E
13	SWSW	14	6.2	ACRES IRRIGATION	41	S	11	E
1	NENE	15	4.7	ACRES IRRIGATION	41	S	11	E
4	NENE	15	27.3	ACRES IRRIGATION	41	S	11	E
6	NENW	15	15.7	ACRES IRRIGATION	41	S	11	E
2	NENW	15	16.1	ACRES IRRIGATION	41	S	11	E
12	NESE	15	35.4	ACRES IRRIGATION	41	S	11	E
14	NESW	15	37.5	ACRES IRRIGATION	41	S	11	E
1	NWNE	15	13.1	ACRES IRRIGATION	41	S	11	E
5	NWNE	15	19.9	ACRES IRRIGATION	41	S	11	E
7	NWNW	15	11	ACRES IRRIGATION	41	S	11	E
3	NWNW	15	21.5	ACRES IRRIGATION	41	S	11	E
13	NWSE	15	39.7	ACRES IRRIGATION	41	S	11	E
15	NWSW	15	32.8	ACRES IRRIGATION	41	S	11	E
11	SENE	15	36	ACRES IRRIGATION	41	S	11	E
9	SENW	15	39.4	ACRES IRRIGATION	41	S	11	E
19	SESE	15	5.1	ACRES IRRIGATION	41	S	11	E
21	SESW	15	1.5	ACRES IRRIGATION	41	S	11	E
20	SESW	15	2	ACRES IRRIGATION	41	S	11	E
10	SWNE	15	39	ACRES IRRIGATION	41	S	11	E
8	SWNW	15	38	ACRES IRRIGATION	41	S	11	E
18	SWSE	15	5.4	ACRES IRRIGATION	41	S	11	E
16	SWSW	15	0.2	ACRES IRRIGATION	41	S	11	E
6	NENE	16	8	ACRES IRRIGATION	41	S	11	E
1	NENE	16	26.4	ACRES IRRIGATION	41	S	11	E
3	NENW	16	9.2	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
4	NENW	16	15	ACRES IRRIGATION	41	S	11	E
12	NESE	16	8	ACRES IRRIGATION	41	S	11	E
11	NESE	16	15	ACRES IRRIGATION	41	S	11	E
15	NESW	16	35.7	ACRES IRRIGATION	41	S	11	E
9	NWNE	16	3.1	ACRES IRRIGATION	41	S	11	E
3	NWNE	16	4	ACRES IRRIGATION	41	S	11	E
2	NWNE	16	20.7	ACRES IRRIGATION	41	S	11	E
	NWNW	16	31.7	ACRES IRRIGATION	41	S	11	E
13	NWSE	16	0.6	ACRES IRRIGATION	41	S	11	E
14	NWSE	16	35.2	ACRES IRRIGATION	41	S	11	E
16	NWSW	16	36.2	ACRES IRRIGATION	41	S	11	E
10	SENE	16	32.2	ACRES IRRIGATION	41	S	11	E
7	SENW	16	9	ACRES IRRIGATION	41	S	11	E
5	SENW	16	24.3	ACRES IRRIGATION	41	S	11	E
20	SESE	16	1.6	ACRES IRRIGATION	41	S	11	E
18	SESW	16	1.6	ACRES IRRIGATION	41	S	11	E
8	SWNE	16	2.3	ACRES IRRIGATION	41	S	11	E
9	SWNE	16	25.7	ACRES IRRIGATION	41	S	11	E
	SWNW	16	36	ACRES IRRIGATION	41	S	11	E
19	SWSE	16	1.5	ACRES IRRIGATION	41	S	11	E
17	SWSW	16	2.2	ACRES IRRIGATION	41	S	11	E
	NENE	17	40	ACRES IRRIGATION	41	S	11	E
	NENW	17	39.6	ACRES IRRIGATION	41	S	11	E
11	NESE	17	13.1	ACRES IRRIGATION	41	S	11	E
10	NESE	17	23.4	ACRES IRRIGATION	41	S	11	E
3	NESW	17	9	ACRES IRRIGATION	41	S	11	E
8	NESW	17	25.3	ACRES IRRIGATION	41	S	11	E
1	NWNE	17	8.7	ACRES IRRIGATION	41	S	11	E
6	NWNE	17	31.3	ACRES IRRIGATION	41	S	11	E
5	NWNW	17	30.5	ACRES IRRIGATION	41	S	11	E
9	NWSE	17	41.1	ACRES IRRIGATION	41	S	11	E
4	NWSW	17	36.2	ACRES IRRIGATION	41	S	11	E
	SENE	17	40	ACRES IRRIGATION	41	S	11	E
7	SENW	17	8	ACRES IRRIGATION	41	S	11	E
2	SENW	17	32	ACRES IRRIGATION	41	S	11	E
	SWNE	17	40	ACRES IRRIGATION	41	S	11	E
	SWNW	17	38	ACRES IRRIGATION	41	S	11	E
	NENE	18	0.7	ACRES IRRIGATION	41	S	11	E
6	NENE	18	33.2	ACRES IRRIGATION	41	S	11	E
	NENW	18	39.4	ACRES IRRIGATION	41	S	11	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
1	NESE	18	36.6	ACRES IRRIGATION	41	S	11	E
3	NESW	18	34	ACRES IRRIGATION	41	S	11	E
	NWNE	18	0.9	ACRES IRRIGATION	41	S	11	E
5	NWNE	18	36.6	ACRES IRRIGATION	41	S	11	E
	NWNW	18	39.4	ACRES IRRIGATION	41	S	11	E
2	NWSE	18	34	ACRES IRRIGATION	41	S	11	E
4	NWSW	18	34.2	ACRES IRRIGATION	41	S	11	E
	SENE	18	38.2	ACRES IRRIGATION	41	S	11	E
	SENW	18	38.4	ACRES IRRIGATION	41	S	11	E
	SWNE	18	38.3	ACRES IRRIGATION	41	S	11	E
	SWNW	18	40	ACRES IRRIGATION	41	S	11	E
	NWNW	2	39.7	ACRES IRRIGATION	41	S	12	E
	NWSW	2	34.5	ACRES IRRIGATION	41	S	12	E
	SESW	2	3	ACRES IRRIGATION	41	S	12	E
	SWNW	2	35.9	ACRES IRRIGATION	41	S	12	E
	SWSW	2	36.4	ACRES IRRIGATION	41	S	12	E
	NENE	3	40	ACRES IRRIGATION	41	S	12	E
	NENW	3	39.8	ACRES IRRIGATION	41	S	12	E
	NESE	3	34.6	ACRES IRRIGATION	41	S	12	E
	NESW	3	32.3	ACRES IRRIGATION	41	S	12	E
	NWNE	3	40	ACRES IRRIGATION	41	S	12	E
	NWNW	3	40	ACRES IRRIGATION	41	S	12	E
	NWSE	3	36.7	ACRES IRRIGATION	41	S	12	E
	NWSW	3	36.4	ACRES IRRIGATION	41	S	12	E
	SENE	3	39.3	ACRES IRRIGATION	41	S	12	E
	SENW	3	39	ACRES IRRIGATION	41	S	12	E
	SESE	3	38.8	ACRES IRRIGATION	41	S	12	E
	SESW	3	38.3	ACRES IRRIGATION	41	S	12	E
	SWNE	3	37.8	ACRES IRRIGATION	41	S	12	E
	SWNW	3	35.8	ACRES IRRIGATION	41	S	12	E
	SWSE	3	37.1	ACRES IRRIGATION	41	S	12	E
	SWSW	3	39.1	ACRES IRRIGATION	41	S	12	E
	NENE	4	39	ACRES IRRIGATION	41	S	12	E
	NENW	4	34.3	ACRES IRRIGATION	41	S	12	E
	NESE	4	36.1	ACRES IRRIGATION	41	S	12	E
	NESW	4	39.8	ACRES IRRIGATION	41	S	12	E
	NWNE	4	33.5	ACRES IRRIGATION	41	S	12	E
	NWNW	4	32.9	ACRES IRRIGATION	41	S	12	E
	NWSE	4	1.9	ACRES IRRIGATION	41	S	12	E
	NWSW	4	38.7	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	4	33.3	ACRES IRRIGATION	41	S	12	E
	SENW	4	18.3	ACRES IRRIGATION	41	S	12	E
	SESE	4	16	ACRES IRRIGATION	41	S	12	E
	SESW	4	39.9	ACRES IRRIGATION	41	S	12	E
	SWNE	4	32.7	ACRES IRRIGATION	41	S	12	E
	SWNW	4	37.3	ACRES IRRIGATION	41	S	12	E
	SWSW	4	38.9	ACRES IRRIGATION	41	S	12	E
	NENE	5	29.7	ACRES IRRIGATION	41	S	12	E
	NENW	5	39.6	ACRES IRRIGATION	41	S	12	E
	NESE	5	38.6	ACRES IRRIGATION	41	S	12	E
	NESW	5	38.4	ACRES IRRIGATION	41	S	12	E
	NWNE	5	40	ACRES IRRIGATION	41	S	12	E
	NWNW	5	37.2	ACRES IRRIGATION	41	S	12	E
	NWSE	5	39.7	ACRES IRRIGATION	41	S	12	E
	NWSW	5	38.7	ACRES IRRIGATION	41	S	12	E
	SENE	5	38.8	ACRES IRRIGATION	41	S	12	E
	SENW	5	37.6	ACRES IRRIGATION	41	S	12	E
	SESE	5	37.6	ACRES IRRIGATION	41	S	12	E
	SESW	5	40	ACRES IRRIGATION	41	S	12	E
	SWNE	5	39.3	ACRES IRRIGATION	41	S	12	E
	SWNW	5	36.8	ACRES IRRIGATION	41	S	12	E
	SWSE	5	38.3	ACRES IRRIGATION	41	S	12	E
	SWSW	5	39.6	ACRES IRRIGATION	41	S	12	E
	NENE	6	34.7	ACRES IRRIGATION	41	S	12	E
	NENW	6	25.8	ACRES IRRIGATION	41	S	12	E
	NESE	6	33.6	ACRES IRRIGATION	41	S	12	E
	NESW	6	36.3	ACRES IRRIGATION	41	S	12	E
	NWNE	6	28	ACRES IRRIGATION	41	S	12	E
	NWSE	6	35.3	ACRES IRRIGATION	41	S	12	E
3	NWSW	6	3.4	ACRES IRRIGATION	41	S	12	E
	SENE	6	37.9	ACRES IRRIGATION	41	S	12	E
	SENW	6	32.7	ACRES IRRIGATION	41	S	12	E
	SESE	6	36.1	ACRES IRRIGATION	41	S	12	E
	SESW	6	38.4	ACRES IRRIGATION	41	S	12	E
	SWNE	6	39.7	ACRES IRRIGATION	41	S	12	E
2	SWNW	6	6	ACRES IRRIGATION	41	S	12	E
	SWSE	6	36.5	ACRES IRRIGATION	41	S	12	E
4	SWSW	6	5.2	ACRES IRRIGATION	41	S	12	E
	NENE	7	34.4	ACRES IRRIGATION	41	S	12	E
	NENW	7	34.2	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESE	7	34.4	ACRES IRRIGATION	41	S	12	E
4	NESW	7	35.9	ACRES IRRIGATION	41	S	12	E
	NWNE	7	32.2	ACRES IRRIGATION	41	S	12	E
1	NWNW	7	4.9	ACRES IRRIGATION	41	S	12	E
	NWSE	7	36.3	ACRES IRRIGATION	41	S	12	E
3	NWSW	7	1.8	ACRES IRRIGATION	41	S	12	E
	SENE	7	37.5	ACRES IRRIGATION	41	S	12	E
	SENW	7	36.8	ACRES IRRIGATION	41	S	12	E
6	SESE	7	13.5	ACRES IRRIGATION	41	S	12	E
7	SESE	7	23.7	ACRES IRRIGATION	41	S	12	E
4	SESW	7	3.9	ACRES IRRIGATION	41	S	12	E
9	SESW	7	34.8	ACRES IRRIGATION	41	S	12	E
	SWNE	7	36	ACRES IRRIGATION	41	S	12	E
2	SWNW	7	2.3	ACRES IRRIGATION	41	S	12	E
5	SWSE	7	9.3	ACRES IRRIGATION	41	S	12	E
8	SWSE	7	29.6	ACRES IRRIGATION	41	S	12	E
3	SWSW	7	0.1	ACRES IRRIGATION	41	S	12	E
10	SWSW	7	3.3	ACRES IRRIGATION	41	S	12	E
	NENE	8	38.2	ACRES IRRIGATION	41	S	12	E
	NENW	8	31	ACRES IRRIGATION	41	S	12	E
	NESE	8	37	ACRES IRRIGATION	41	S	12	E
	NESW	8	40	ACRES IRRIGATION	41	S	12	E
	NWNE	8	36.9	ACRES IRRIGATION	41	S	12	E
	NWNW	8	30.1	ACRES IRRIGATION	41	S	12	E
	NWSE	8	35.3	ACRES IRRIGATION	41	S	12	E
	NWSW	8	40	ACRES IRRIGATION	41	S	12	E
	SENE	8	31.8	ACRES IRRIGATION	41	S	12	E
	SENW	8	38.9	ACRES IRRIGATION	41	S	12	E
	SESE	8	35.1	ACRES IRRIGATION	41	S	12	E
5	SESW	8	9.8	ACRES IRRIGATION	41	S	12	E
2	SESW	8	28.5	ACRES IRRIGATION	41	S	12	E
	SWNE	8	31.7	ACRES IRRIGATION	41	S	12	E
	SWNW	8	38.4	ACRES IRRIGATION	41	S	12	E
4	SWSE	8	1.4	ACRES IRRIGATION	41	S	12	E
3	SWSE	8	32.2	ACRES IRRIGATION	41	S	12	E
6	SWSW	8	17.4	ACRES IRRIGATION	41	S	12	E
1	SWSW	8	19.5	ACRES IRRIGATION	41	S	12	E
	NENE	9	2.9	ACRES IRRIGATION	41	S	12	E
	NENW	9	36.1	ACRES IRRIGATION	41	S	12	E
	NESW	9	32.3	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	9	36.5	ACRES IRRIGATION	41	S	12	E
	NWSE	9	9	ACRES IRRIGATION	41	S	12	E
	NWSW	9	35.6	ACRES IRRIGATION	41	S	12	E
	SENW	9	35.8	ACRES IRRIGATION	41	S	12	E
	SESE	9	13.5	ACRES IRRIGATION	41	S	12	E
	SESW	9	34.7	ACRES IRRIGATION	41	S	12	E
	SWNW	9	34.9	ACRES IRRIGATION	41	S	12	E
	SWSE	9	25.8	ACRES IRRIGATION	41	S	12	E
	SWSW	9	35.8	ACRES IRRIGATION	41	S	12	E
	NENE	10	36.7	ACRES IRRIGATION	41	S	12	E
	NENW	10	38.8	ACRES IRRIGATION	41	S	12	E
	NESE	10	35.2	ACRES IRRIGATION	41	S	12	E
	NESW	10	35.1	ACRES IRRIGATION	41	S	12	E
	NWNE	10	34.7	ACRES IRRIGATION	41	S	12	E
	NWNW	10	35.7	ACRES IRRIGATION	41	S	12	E
	NWSE	10	36.4	ACRES IRRIGATION	41	S	12	E
	NWSW	10	18.2	ACRES IRRIGATION	41	S	12	E
	SENE	10	38.4	ACRES IRRIGATION	41	S	12	E
	SENW	10	33.2	ACRES IRRIGATION	41	S	12	E
	SESE	10	36.9	ACRES IRRIGATION	41	S	12	E
	SESW	10	35.6	ACRES IRRIGATION	41	S	12	E
	SWNE	10	37.4	ACRES IRRIGATION	41	S	12	E
	SWNW	10	28.5	ACRES IRRIGATION	41	S	12	E
	SWSE	10	37.1	ACRES IRRIGATION	41	S	12	E
	SWSW	10	24.9	ACRES IRRIGATION	41	S	12	E
	NENW	11	36.3	ACRES IRRIGATION	41	S	12	E
	NESE	11	35.8	ACRES IRRIGATION	41	S	12	E
	NESW	11	35.9	ACRES IRRIGATION	41	S	12	E
	NWNW	11	36	ACRES IRRIGATION	41	S	12	E
	NWSE	11	36.4	ACRES IRRIGATION	41	S	12	E
	NWSW	11	36.8	ACRES IRRIGATION	41	S	12	E
	SENE	11	26.3	ACRES IRRIGATION	41	S	12	E
	SENW	11	35.9	ACRES IRRIGATION	41	S	12	E
	SESE	11	37.3	ACRES IRRIGATION	41	S	12	E
	SESW	11	38.7	ACRES IRRIGATION	41	S	12	E
	SWNE	11	30.1	ACRES IRRIGATION	41	S	12	E
	SWNW	11	36	ACRES IRRIGATION	41	S	12	E
	SWSE	11	36.7	ACRES IRRIGATION	41	S	12	E
	SWSW	11	39.2	ACRES IRRIGATION	41	S	12	E
	NESE	12	36.7	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	12	37	ACRES IRRIGATION	41	S	12	E
	NWSE	12	35.1	ACRES IRRIGATION	41	S	12	E
	NWSW	12	36.9	ACRES IRRIGATION	41	S	12	E
	SENW	12	32.4	ACRES IRRIGATION	41	S	12	E
	SESE	12	20.9	ACRES IRRIGATION	41	S	12	E
	SESW	12	34.7	ACRES IRRIGATION	41	S	12	E
	SWNE	12	0.1	ACRES IRRIGATION	41	S	12	E
	SWNW	12	37.1	ACRES IRRIGATION	41	S	12	E
	SWSE	12	36.1	ACRES IRRIGATION	41	S	12	E
	SWSW	12	36.1	ACRES IRRIGATION	41	S	12	E
	NENE	13	17.9	ACRES IRRIGATION	41	S	12	E
	NENW	13	34.8	ACRES IRRIGATION	41	S	12	E
	NESE	13	26.5	ACRES IRRIGATION	41	S	12	E
	NESW	13	32	ACRES IRRIGATION	41	S	12	E
	NWNE	13	39.4	ACRES IRRIGATION	41	S	12	E
	NWNW	13	38.7	ACRES IRRIGATION	41	S	12	E
	NWSE	13	32.6	ACRES IRRIGATION	41	S	12	E
	NWSW	13	34.5	ACRES IRRIGATION	41	S	12	E
	SENE	13	11	ACRES IRRIGATION	41	S	12	E
	SENW	13	37	ACRES IRRIGATION	41	S	12	E
	SESE	13	35.6	ACRES IRRIGATION	41	S	12	E
	SESW	13	38.4	ACRES IRRIGATION	41	S	12	E
	SWNE	13	35.5	ACRES IRRIGATION	41	S	12	E
	SWNW	13	34.7	ACRES IRRIGATION	41	S	12	E
	SWSE	13	35.9	ACRES IRRIGATION	41	S	12	E
	SWSW	13	37.1	ACRES IRRIGATION	41	S	12	E
	NENE	14	35.7	ACRES IRRIGATION	41	S	12	E
	NENW	14	38.5	ACRES IRRIGATION	41	S	12	E
	NESE	14	35.1	ACRES IRRIGATION	41	S	12	E
	NESW	14	34.9	ACRES IRRIGATION	41	S	12	E
	NWNE	14	35.6	ACRES IRRIGATION	41	S	12	E
	NWNW	14	39.2	ACRES IRRIGATION	41	S	12	E
	NWSE	14	31.9	ACRES IRRIGATION	41	S	12	E
	NWSW	14	31	ACRES IRRIGATION	41	S	12	E
	SENE	14	32.6	ACRES IRRIGATION	41	S	12	E
	SENW	14	36.3	ACRES IRRIGATION	41	S	12	E
	SESE	14	36.7	ACRES IRRIGATION	41	S	12	E
	SESW	14	35.2	ACRES IRRIGATION	41	S	12	E
	SWNE	14	38	ACRES IRRIGATION	41	S	12	E
	SWNW	14	38.4	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSE	14	30.9	ACRES IRRIGATION	41	S	12	E
2	SWSW	14	9.9	ACRES IRRIGATION	41	S	12	E
1	SWSW	14	26.1	ACRES IRRIGATION	41	S	12	E
	NENE	15	35.5	ACRES IRRIGATION	41	S	12	E
	NENW	15	38	ACRES IRRIGATION	41	S	12	E
	NESE	15	33.1	ACRES IRRIGATION	41	S	12	E
	NESW	15	30.1	ACRES IRRIGATION	41	S	12	E
	NWNE	15	37.3	ACRES IRRIGATION	41	S	12	E
	NWNW	15	35.3	ACRES IRRIGATION	41	S	12	E
	NWSE	15	35.1	ACRES IRRIGATION	41	S	12	E
	SENE	15	30.6	ACRES IRRIGATION	41	S	12	E
	SENW	15	30.6	ACRES IRRIGATION	41	S	12	E
4	SESE	15	14.7	ACRES IRRIGATION	41	S	12	E
5	SESE	15	24.5	ACRES IRRIGATION	41	S	12	E
7	SESW	15	35.3	ACRES IRRIGATION	41	S	12	E
	SWNE	15	37.5	ACRES IRRIGATION	41	S	12	E
	SWNW	15	5.2	ACRES IRRIGATION	41	S	12	E
3	SWSE	15	6.1	ACRES IRRIGATION	41	S	12	E
6	SWSE	15	32.8	ACRES IRRIGATION	41	S	12	E
10	SWSW	15	13.9	ACRES IRRIGATION	41	S	12	E
9	SWSW	15	21	ACRES IRRIGATION	41	S	12	E
	NENE	16	19.8	ACRES IRRIGATION	41	S	12	E
	NENW	16	37.5	ACRES IRRIGATION	41	S	12	E
4	NESE	16	1.3	ACRES IRRIGATION	41	S	12	E
5	NESE	16	7.9	ACRES IRRIGATION	41	S	12	E
11	NESW	16	15.6	ACRES IRRIGATION	41	S	12	E
7	NESW	16	20.9	ACRES IRRIGATION	41	S	12	E
	NWNE	16	37.6	ACRES IRRIGATION	41	S	12	E
9	NWNW	16	7.3	ACRES IRRIGATION	41	S	12	E
1	NWNW	16	30.6	ACRES IRRIGATION	41	S	12	E
15	NWSE	16	0.2	ACRES IRRIGATION	41	S	12	E
3	NWSE	16	1.6	ACRES IRRIGATION	41	S	12	E
6	NWSE	16	28.1	ACRES IRRIGATION	41	S	12	E
8	NWSW	16	3.8	ACRES IRRIGATION	41	S	12	E
12	NWSW	16	33	ACRES IRRIGATION	41	S	12	E
	SENE	16	15.5	ACRES IRRIGATION	41	S	12	E
7	SENW	16	18.1	ACRES IRRIGATION	41	S	12	E
2	SENW	16	19.5	ACRES IRRIGATION	41	S	12	E
10	SESE	16	7	ACRES IRRIGATION	41	S	12	E
16	SESE	16	25.4	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
14	SESW	16	13.6	ACRES IRRIGATION	41	S	12	E
6	SWNE	16	0.2	ACRES IRRIGATION	41	S	12	E
3	SWNE	16	37.9	ACRES IRRIGATION	41	S	12	E
1	SWNW	16	1.1	ACRES IRRIGATION	41	S	12	E
12	SWNW	16	1.2	ACRES IRRIGATION	41	S	12	E
8	SWNW	16	32.9	ACRES IRRIGATION	41	S	12	E
6	SWSE	16	1.1	ACRES IRRIGATION	41	S	12	E
15	SWSE	16	14.2	ACRES IRRIGATION	41	S	12	E
13	SWSW	16	34	ACRES IRRIGATION	41	S	12	E
1	NENE	17	10.7	ACRES IRRIGATION	41	S	12	E
2	NENE	17	28.8	ACRES IRRIGATION	41	S	12	E
4	NENW	17	37.4	ACRES IRRIGATION	41	S	12	E
13	NESE	17	27.3	ACRES IRRIGATION	41	S	12	E
3	NWNE	17	39.2	ACRES IRRIGATION	41	S	12	E
8	NWNW	17	5.3	ACRES IRRIGATION	41	S	12	E
5	NWNW	17	30	ACRES IRRIGATION	41	S	12	E
14	NWSE	17	34.7	ACRES IRRIGATION	41	S	12	E
16	NWSW	17	34.7	ACRES IRRIGATION	41	S	12	E
12	SENE	17	13.3	ACRES IRRIGATION	41	S	12	E
7	SENE	17	22.7	ACRES IRRIGATION	41	S	12	E
4	SENW	17	0.2	ACRES IRRIGATION	41	S	12	E
10	SENW	17	34.5	ACRES IRRIGATION	41	S	12	E
20	SESE	17	33.3	ACRES IRRIGATION	41	S	12	E
18	SESW	17	36.1	ACRES IRRIGATION	41	S	12	E
6	SWNE	17	12.7	ACRES IRRIGATION	41	S	12	E
11	SWNE	17	25.7	ACRES IRRIGATION	41	S	12	E
9	SWNW	17	36.8	ACRES IRRIGATION	41	S	12	E
19	SWSE	17	40.1	ACRES IRRIGATION	41	S	12	E
17	SWSW	17	36.4	ACRES IRRIGATION	41	S	12	E
11	NENE	18	0.1	ACRES IRRIGATION	41	S	12	E
5	NENE	18	2.4	ACRES IRRIGATION	41	S	12	E
1	NENE	18	35.4	ACRES IRRIGATION	41	S	12	E
7	NENW	18	11.8	ACRES IRRIGATION	41	S	12	E
3	NENW	18	25.4	ACRES IRRIGATION	41	S	12	E
12	NESE	18	32.5	ACRES IRRIGATION	41	S	12	E
14	NESW	18	34.1	ACRES IRRIGATION	41	S	12	E
6	NWNE	18	5	ACRES IRRIGATION	41	S	12	E
2	NWNE	18	32.8	ACRES IRRIGATION	41	S	12	E
7	NWNW	18	1	ACRES IRRIGATION	41	S	12	E
4	NWNW	18	1.4	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
13	NWSE	18	33.3	ACRES IRRIGATION	41	S	12	E
15	NWSW	18	3.6	ACRES IRRIGATION	41	S	12	E
11	SENE	18	35	ACRES IRRIGATION	41	S	12	E
9	SENW	18	36.4	ACRES IRRIGATION	41	S	12	E
19	SESE	18	37.5	ACRES IRRIGATION	41	S	12	E
17	SESW	18	39.5	ACRES IRRIGATION	41	S	12	E
10	SWNE	18	37.2	ACRES IRRIGATION	41	S	12	E
8	SWNW	18	2.2	ACRES IRRIGATION	41	S	12	E
18	SWSE	18	39.5	ACRES IRRIGATION	41	S	12	E
16	SWSW	18	9.2	ACRES IRRIGATION	41	S	12	E
20	NENE	19	7.7	ACRES IRRIGATION	41	S	12	E
13	NENE	19	22.4	ACRES IRRIGATION	41	S	12	E
22	NENW	19	6.7	ACRES IRRIGATION	41	S	12	E
21	NENW	19	8.5	ACRES IRRIGATION	41	S	12	E
15	NENW	19	18.2	ACRES IRRIGATION	41	S	12	E
9	NESE	19	9.5	ACRES IRRIGATION	41	S	12	E
26	NESW	19	2.2	ACRES IRRIGATION	41	S	12	E
25	NESW	19	6.2	ACRES IRRIGATION	41	S	12	E
19	NWNE	19	8.9	ACRES IRRIGATION	41	S	12	E
14	NWNE	19	23.6	ACRES IRRIGATION	41	S	12	E
16	NWNW	19	0.7	ACRES IRRIGATION	41	S	12	E
17	NWNW	19	3.6	ACRES IRRIGATION	41	S	12	E
10	NWSE	19	7.7	ACRES IRRIGATION	41	S	12	E
12	NWSW	19	1.2	ACRES IRRIGATION	41	S	12	E
8	SENE	19	35.2	ACRES IRRIGATION	41	S	12	E
23	SENW	19	15	ACRES IRRIGATION	41	S	12	E
24	SENW	19	25	ACRES IRRIGATION	41	S	12	E
7	SWNE	19	36.7	ACRES IRRIGATION	41	S	12	E
5	SWNW	19	7	ACRES IRRIGATION	41	S	12	E
	NENE	20	36.7	ACRES IRRIGATION	41	S	12	E
6	NENW	20	15.4	ACRES IRRIGATION	41	S	12	E
9	NENW	20	16.5	ACRES IRRIGATION	41	S	12	E
1	NESE	20	13.3	ACRES IRRIGATION	41	S	12	E
3	NESW	20	11.4	ACRES IRRIGATION	41	S	12	E
10	NWNE	20	5.7	ACRES IRRIGATION	41	S	12	E
5	NWNE	20	26.2	ACRES IRRIGATION	41	S	12	E
8	NWNW	20	15.6	ACRES IRRIGATION	41	S	12	E
7	NWNW	20	17.3	ACRES IRRIGATION	41	S	12	E
2	NWSE	20	14	ACRES IRRIGATION	41	S	12	E
4	NWSW	20	11.6	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
11	SENE	20	7	ACRES IRRIGATION	41	S	12	E
12	SENE	20	25.9	ACRES IRRIGATION	41	S	12	E
	SENW	20	38	ACRES IRRIGATION	41	S	12	E
13	SWNE	20	39.4	ACRES IRRIGATION	41	S	12	E
	SWNW	20	39.8	ACRES IRRIGATION	41	S	12	E
	NENW	21	34.2	ACRES IRRIGATION	41	S	12	E
1	NESE	21	11.3	ACRES IRRIGATION	41	S	12	E
3	NESW	21	11.9	ACRES IRRIGATION	41	S	12	E
	NWNW	21	38.8	ACRES IRRIGATION	41	S	12	E
4	NWSW	21	14.1	ACRES IRRIGATION	41	S	12	E
	SENE	21	35.1	ACRES IRRIGATION	41	S	12	E
	SENW	21	34.5	ACRES IRRIGATION	41	S	12	E
5	SWNW	21	13.9	ACRES IRRIGATION	41	S	12	E
6	SWNW	21	18.3	ACRES IRRIGATION	41	S	12	E
3	NENE	22	6.7	ACRES IRRIGATION	41	S	12	E
1	NENE	22	32.1	ACRES IRRIGATION	41	S	12	E
	NENW	22	39.3	ACRES IRRIGATION	41	S	12	E
5	NESE	22	15.6	ACRES IRRIGATION	41	S	12	E
7	NESW	22	13.3	ACRES IRRIGATION	41	S	12	E
2	NWNE	22	17.8	ACRES IRRIGATION	41	S	12	E
	NWNW	22	36.3	ACRES IRRIGATION	41	S	12	E
8	NWSW	22	16.7	ACRES IRRIGATION	41	S	12	E
	SENE	22	37.2	ACRES IRRIGATION	41	S	12	E
	SENW	22	38.7	ACRES IRRIGATION	41	S	12	E
	SWNW	22	37.6	ACRES IRRIGATION	41	S	12	E
	NENE	23	33.9	ACRES IRRIGATION	41	S	12	E
1	NENW	23	13.6	ACRES IRRIGATION	41	S	12	E
6	NENW	23	25.5	ACRES IRRIGATION	41	S	12	E
10	NESE	23	22.6	ACRES IRRIGATION	41	S	12	E
14	NESW	23	8	ACRES IRRIGATION	41	S	12	E
8	NESW	23	11.1	ACRES IRRIGATION	41	S	12	E
5	NWNE	23	3	ACRES IRRIGATION	41	S	12	E
2	NWNE	23	36.2	ACRES IRRIGATION	41	S	12	E
	NWNW	23	37.7	ACRES IRRIGATION	41	S	12	E
9	NWSE	23	19.4	ACRES IRRIGATION	41	S	12	E
13	NWSW	23	20.2	ACRES IRRIGATION	41	S	12	E
4	SENE	23	13.2	ACRES IRRIGATION	41	S	12	E
3	SENE	23	25.9	ACRES IRRIGATION	41	S	12	E
11	SENW	23	40	ACRES IRRIGATION	41	S	12	E
3	SWNE	23	3.6	ACRES IRRIGATION	41	S	12	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
4	SWNE	23	35.2	ACRES IRRIGATION	41	S	12	E
12	SWNW	23	16.7	ACRES IRRIGATION	41	S	12	E
7	SWNW	23	21.9	ACRES IRRIGATION	41	S	12	E
	NENE	24	34.8	ACRES IRRIGATION	41	S	12	E
	NENW	24	38.9	ACRES IRRIGATION	41	S	12	E
4	NESE	24	20.9	ACRES IRRIGATION	41	S	12	E
2	NESW	24	15.5	ACRES IRRIGATION	41	S	12	E
	NWNE	24	38	ACRES IRRIGATION	41	S	12	E
	NWNW	24	35	ACRES IRRIGATION	41	S	12	E
3	NWSE	24	22	ACRES IRRIGATION	41	S	12	E
5	NWSW	24	10.3	ACRES IRRIGATION	41	S	12	E
1	NWSW	24	10.8	ACRES IRRIGATION	41	S	12	E
	SENE	24	34.7	ACRES IRRIGATION	41	S	12	E
	SENW	24	35.7	ACRES IRRIGATION	41	S	12	E
	SWNE	24	37.6	ACRES IRRIGATION	41	S	12	E
	SWNW	24	34.8	ACRES IRRIGATION	41	S	12	E
	SESW	18	1.4	ACRES IRRIGATION	41	S	13	E
4	SWSW	18	25.6	ACRES IRRIGATION	41	S	13	E
	NENW	19	20.8	ACRES IRRIGATION	41	S	13	E
4	NESW	19	4.4	ACRES IRRIGATION	41	S	13	E
1	NWNW	19	45.5	ACRES IRRIGATION	41	S	13	E
3	NWSW	19	23.5	ACRES IRRIGATION	41	S	13	E
	SENW	19	18.3	ACRES IRRIGATION	41	S	13	E
2	SWNW	19	45	ACRES IRRIGATION	41	S	13	E
	NWSW	2	2.3	ACRES IRRIGATION	46	N	4	E
	SWSW	2	22	ACRES IRRIGATION	46	N	4	E
1	NENE	1	9.2	ACRES IRRIGATION	46	N	5	E
8	NENE	1	36.2	ACRES IRRIGATION	46	N	5	E
3	NENW	1	10.5	ACRES IRRIGATION	46	N	5	E
6	NENW	1	36.4	ACRES IRRIGATION	46	N	5	E
	NESE	1	34.2	ACRES IRRIGATION	46	N	5	E
	NESW	1	36.1	ACRES IRRIGATION	46	N	5	E
2	NWNE	1	11.9	ACRES IRRIGATION	46	N	5	E
7	NWNE	1	36.6	ACRES IRRIGATION	46	N	5	E
13	NWNW	1	5.7	ACRES IRRIGATION	46	N	5	E
12	NWNW	1	50.1	ACRES IRRIGATION	46	N	5	E
	NWSE	1	33.6	ACRES IRRIGATION	46	N	5	E
17	NWSW	1	4.6	ACRES IRRIGATION	46	N	5	E
18	NWSW	1	38	ACRES IRRIGATION	46	N	5	E
	SENE	1	34.2	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	1	34.6	ACRES IRRIGATION	46	N	5	E
	SESE	1	34.2	ACRES IRRIGATION	46	N	5	E
	SESW	1	36	ACRES IRRIGATION	46	N	5	E
	SWNE	1	34.2	ACRES IRRIGATION	46	N	5	E
16	SWNW	1	1.3	ACRES IRRIGATION	46	N	5	E
14	SWNW	1	3.3	ACRES IRRIGATION	46	N	5	E
15	SWNW	1	38	ACRES IRRIGATION	46	N	5	E
	SWSE	1	34.2	ACRES IRRIGATION	46	N	5	E
17	SWSW	1	3.4	ACRES IRRIGATION	46	N	5	E
18	SWSW	1	36.1	ACRES IRRIGATION	46	N	5	E
4	NENE	2	32	ACRES IRRIGATION	46	N	5	E
2	NENW	2	36.7	ACRES IRRIGATION	46	N	5	E
6	NESE	2	33	ACRES IRRIGATION	46	N	5	E
	NESW	2	40	ACRES IRRIGATION	46	N	5	E
1	NWNE	2	39.9	ACRES IRRIGATION	46	N	5	E
3	NWNW	2	41	ACRES IRRIGATION	46	N	5	E
	NWSE	2	39	ACRES IRRIGATION	46	N	5	E
	NWSW	2	38.7	ACRES IRRIGATION	46	N	5	E
5	SENE	2	31.2	ACRES IRRIGATION	46	N	5	E
	SENW	2	36.5	ACRES IRRIGATION	46	N	5	E
7	SESE	2	31	ACRES IRRIGATION	46	N	5	E
	SESW	2	36.6	ACRES IRRIGATION	46	N	5	E
	SWNE	2	36.2	ACRES IRRIGATION	46	N	5	E
	SWNW	2	36.4	ACRES IRRIGATION	46	N	5	E
	SWSE	2	37.3	ACRES IRRIGATION	46	N	5	E
	SWSW	2	38.8	ACRES IRRIGATION	46	N	5	E
20	NENE	3	41	ACRES IRRIGATION	46	N	5	E
2	NENW	3	5	ACRES IRRIGATION	46	N	5	E
23	NESE	3	10	ACRES IRRIGATION	46	N	5	E
31	NESW	3	14.5	ACRES IRRIGATION	46	N	5	E
8	NESW	3	22.9	ACRES IRRIGATION	46	N	5	E
20	NWNE	3	8.8	ACRES IRRIGATION	46	N	5	E
3	NWNW	3	1.2	ACRES IRRIGATION	46	N	5	E
7	NWSE	3	3.9	ACRES IRRIGATION	46	N	5	E
23	NWSE	3	13.8	ACRES IRRIGATION	46	N	5	E
30	NWSW	3	13.1	ACRES IRRIGATION	46	N	5	E
29	NWSW	3	25.2	ACRES IRRIGATION	46	N	5	E
22	SENE	3	38	ACRES IRRIGATION	46	N	5	E
26	SENW	3	1.9	ACRES IRRIGATION	46	N	5	E
5	SENW	3	36.7	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
25	SESE	3	28.9	ACRES IRRIGATION	46	N	5	E
31	SESW	3	2.8	ACRES IRRIGATION	46	N	5	E
22	SWNE	3	10.2	ACRES IRRIGATION	46	N	5	E
28	SWNW	3	1.7	ACRES IRRIGATION	46	N	5	E
27	SWNW	3	6.2	ACRES IRRIGATION	46	N	5	E
4	SWNW	3	20.8	ACRES IRRIGATION	46	N	5	E
25	SWSE	3	13.9	ACRES IRRIGATION	46	N	5	E
30	SWSW	3	2.1	ACRES IRRIGATION	46	N	5	E
29	SWSW	3	21.8	ACRES IRRIGATION	46	N	5	E
15	NENE	4	0.5	ACRES IRRIGATION	46	N	5	E
1	NENE	4	36	ACRES IRRIGATION	46	N	5	E
11	NENW	4	41	ACRES IRRIGATION	46	N	5	E
25	NESE	4	8.7	ACRES IRRIGATION	46	N	5	E
24	NESE	4	34.8	ACRES IRRIGATION	46	N	5	E
21	NESW	4	23	ACRES IRRIGATION	46	N	5	E
15	NWNE	4	1	ACRES IRRIGATION	46	N	5	E
1	NWNE	4	1.7	ACRES IRRIGATION	46	N	5	E
10	NWNE	4	15.3	ACRES IRRIGATION	46	N	5	E
11	NWNW	4	10.5	ACRES IRRIGATION	46	N	5	E
24	NWSE	4	7.4	ACRES IRRIGATION	46	N	5	E
22	NWSE	4	15.2	ACRES IRRIGATION	46	N	5	E
1	SENE	4	3	ACRES IRRIGATION	46	N	5	E
15	SENE	4	38.5	ACRES IRRIGATION	46	N	5	E
13	SENW	4	30	ACRES IRRIGATION	46	N	5	E
25	SESE	4	8.7	ACRES IRRIGATION	46	N	5	E
26	SESE	4	34.2	ACRES IRRIGATION	46	N	5	E
21	SESW	4	9.5	ACRES IRRIGATION	46	N	5	E
10	SWNE	4	0.4	ACRES IRRIGATION	46	N	5	E
15	SWNE	4	7.4	ACRES IRRIGATION	46	N	5	E
14	SWNE	4	11.8	ACRES IRRIGATION	46	N	5	E
11	SWNW	4	0.3	ACRES IRRIGATION	46	N	5	E
26	SWSE	4	7	ACRES IRRIGATION	46	N	5	E
22	SWSE	4	13.3	ACRES IRRIGATION	46	N	5	E
6	NENE	9	8	ACRES IRRIGATION	46	N	5	E
7	NENE	9	43.6	ACRES IRRIGATION	46	N	5	E
15	NESE	9	2.7	ACRES IRRIGATION	46	N	5	E
17	NESE	9	4	ACRES IRRIGATION	46	N	5	E
16	NESE	9	7.8	ACRES IRRIGATION	46	N	5	E
7	NWNE	9	3.2	ACRES IRRIGATION	46	N	5	E
17	NWSE	9	1.6	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
6	SENE	9	8	ACRES IRRIGATION	46	N	5	E
13	SENE	9	14	ACRES IRRIGATION	46	N	5	E
14	SENE	9	22.5	ACRES IRRIGATION	46	N	5	E
13	SWNE	9	6	ACRES IRRIGATION	46	N	5	E
14	NENE	10	38.6	ACRES IRRIGATION	46	N	5	E
14	NWNE	10	14.3	ACRES IRRIGATION	46	N	5	E
16	NWNW	10	6.9	ACRES IRRIGATION	46	N	5	E
17	NWNW	10	26.7	ACRES IRRIGATION	46	N	5	E
18	NWSW	10	8.5	ACRES IRRIGATION	46	N	5	E
14	SENE	10	11.9	ACRES IRRIGATION	46	N	5	E
14	SWNE	10	2	ACRES IRRIGATION	46	N	5	E
16	SWNW	10	6.8	ACRES IRRIGATION	46	N	5	E
17	SWNW	10	25.2	ACRES IRRIGATION	46	N	5	E
4	NENE	11	30.5	ACRES IRRIGATION	46	N	5	E
	NENW	11	38.9	ACRES IRRIGATION	46	N	5	E
6	NESE	11	33.4	ACRES IRRIGATION	46	N	5	E
	NESW	11	38.2	ACRES IRRIGATION	46	N	5	E
	NWNE	11	35.9	ACRES IRRIGATION	46	N	5	E
	NWNW	11	39	ACRES IRRIGATION	46	N	5	E
	NWSE	11	38	ACRES IRRIGATION	46	N	5	E
2	NWSW	11	14.7	ACRES IRRIGATION	46	N	5	E
5	SENE	11	31.3	ACRES IRRIGATION	46	N	5	E
	SENW	11	39.4	ACRES IRRIGATION	46	N	5	E
7	SESE	11	31.9	ACRES IRRIGATION	46	N	5	E
	SESW	11	38.1	ACRES IRRIGATION	46	N	5	E
	SWNE	11	39	ACRES IRRIGATION	46	N	5	E
	SWNW	11	31.4	ACRES IRRIGATION	46	N	5	E
	SWSE	11	38.2	ACRES IRRIGATION	46	N	5	E
3	SWSW	11	4.1	ACRES IRRIGATION	46	N	5	E
	NENE	12	37.6	ACRES IRRIGATION	46	N	5	E
	NENW	12	38	ACRES IRRIGATION	46	N	5	E
	NESE	12	38.9	ACRES IRRIGATION	46	N	5	E
	NESW	12	38.8	ACRES IRRIGATION	46	N	5	E
	NWNE	12	36	ACRES IRRIGATION	46	N	5	E
6	NWNW	12	5	ACRES IRRIGATION	46	N	5	E
5	NWNW	12	39	ACRES IRRIGATION	46	N	5	E
	NWSE	12	36	ACRES IRRIGATION	46	N	5	E
8	NWSW	12	5	ACRES IRRIGATION	46	N	5	E
9	NWSW	12	37.2	ACRES IRRIGATION	46	N	5	E
	SENE	12	38	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	12	38	ACRES IRRIGATION	46	N	5	E
	SESE	12	38.2	ACRES IRRIGATION	46	N	5	E
	SESW	12	38.2	ACRES IRRIGATION	46	N	5	E
	SWNE	12	36	ACRES IRRIGATION	46	N	5	E
7	SWNW	12	1.2	ACRES IRRIGATION	46	N	5	E
6	SWNW	12	3.5	ACRES IRRIGATION	46	N	5	E
5	SWNW	12	39	ACRES IRRIGATION	46	N	5	E
	SWSE	12	38	ACRES IRRIGATION	46	N	5	E
10	SWSW	12	1.5	ACRES IRRIGATION	46	N	5	E
8	SWSW	12	2.9	ACRES IRRIGATION	46	N	5	E
9	SWSW	12	33.6	ACRES IRRIGATION	46	N	5	E
9	NENE	13	40	ACRES IRRIGATION	46	N	5	E
11	NENW	13	39.8	ACRES IRRIGATION	46	N	5	E
6	NESE	13	9.5	ACRES IRRIGATION	46	N	5	E
17	NESW	13	38.7	ACRES IRRIGATION	46	N	5	E
10	NWNE	13	39.1	ACRES IRRIGATION	46	N	5	E
21	NWNW	13	6.3	ACRES IRRIGATION	46	N	5	E
20	NWNW	13	40	ACRES IRRIGATION	46	N	5	E
	NWSE	13	35.6	ACRES IRRIGATION	46	N	5	E
24	NWSW	13	1.6	ACRES IRRIGATION	46	N	5	E
25	NWSW	13	2	ACRES IRRIGATION	46	N	5	E
23	NWSW	13	38	ACRES IRRIGATION	46	N	5	E
16	SENE	13	24.9	ACRES IRRIGATION	46	N	5	E
14	SENW	13	39.4	ACRES IRRIGATION	46	N	5	E
3	SESE	13	0.8	ACRES IRRIGATION	46	N	5	E
6	SESE	13	1.8	ACRES IRRIGATION	46	N	5	E
7	SESW	13	12.4	ACRES IRRIGATION	46	N	5	E
15	SWNE	13	37.4	ACRES IRRIGATION	46	N	5	E
21	SWNW	13	0.9	ACRES IRRIGATION	46	N	5	E
22	SWNW	13	3.3	ACRES IRRIGATION	46	N	5	E
20	SWNW	13	37.1	ACRES IRRIGATION	46	N	5	E
8	SWSE	13	2.1	ACRES IRRIGATION	46	N	5	E
25	SWSW	13	3.8	ACRES IRRIGATION	46	N	5	E
23	SWSW	13	36.1	ACRES IRRIGATION	46	N	5	E
11	NENE	14	33.4	ACRES IRRIGATION	46	N	5	E
13	NENW	14	23.7	ACRES IRRIGATION	46	N	5	E
27	NESE	14	6.8	ACRES IRRIGATION	46	N	5	E
19	NESE	14	25.5	ACRES IRRIGATION	46	N	5	E
21	NESW	14	1.4	ACRES IRRIGATION	46	N	5	E
20	NESW	14	2	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
22	NESW	14	28.7	ACRES IRRIGATION	46	N	5	E
12	NWNE	14	18	ACRES IRRIGATION	46	N	5	E
11	NWNE	14	22	ACRES IRRIGATION	46	N	5	E
13	NWNW	14	6	ACRES IRRIGATION	46	N	5	E
26	NWSE	14	5.4	ACRES IRRIGATION	46	N	5	E
19	NWSE	14	20.3	ACRES IRRIGATION	46	N	5	E
22	NWSW	14	0.6	ACRES IRRIGATION	46	N	5	E
17	SENE	14	15.3	ACRES IRRIGATION	46	N	5	E
18	SENE	14	16.2	ACRES IRRIGATION	46	N	5	E
15	SENW	14	24.8	ACRES IRRIGATION	46	N	5	E
27	SESE	14	34	ACRES IRRIGATION	46	N	5	E
25	SESW	14	9.2	ACRES IRRIGATION	46	N	5	E
24	SESW	14	30	ACRES IRRIGATION	46	N	5	E
12	SWNE	14	9.1	ACRES IRRIGATION	46	N	5	E
18	SWNE	14	9.9	ACRES IRRIGATION	46	N	5	E
17	SWNE	14	14.3	ACRES IRRIGATION	46	N	5	E
15	SWNW	14	1.6	ACRES IRRIGATION	46	N	5	E
26	SWSE	14	25.2	ACRES IRRIGATION	46	N	5	E
24	SWSW	14	5.6	ACRES IRRIGATION	46	N	5	E
20	NESW	15	9.1	ACRES IRRIGATION	46	N	5	E
21	NWSW	15	36.7	ACRES IRRIGATION	46	N	5	E
16	SENW	15	0.1	ACRES IRRIGATION	46	N	5	E
24	SESE	15	0.8	ACRES IRRIGATION	46	N	5	E
23	SESE	15	26.7	ACRES IRRIGATION	46	N	5	E
20	SESW	15	10.4	ACRES IRRIGATION	46	N	5	E
17	SWNW	15	3.1	ACRES IRRIGATION	46	N	5	E
23	SWSE	15	15.9	ACRES IRRIGATION	46	N	5	E
22	SWSW	15	5.3	ACRES IRRIGATION	46	N	5	E
21	SWSW	15	26.7	ACRES IRRIGATION	46	N	5	E
6	NESE	16	12.1	ACRES IRRIGATION	46	N	5	E
7	NESE	16	21.8	ACRES IRRIGATION	46	N	5	E
10	NESW	16	12	ACRES IRRIGATION	46	N	5	E
11	NESW	16	28	ACRES IRRIGATION	46	N	5	E
15	NWSE	16	1.4	ACRES IRRIGATION	46	N	5	E
6	NWSE	16	2.4	ACRES IRRIGATION	46	N	5	E
8	NWSE	16	3.7	ACRES IRRIGATION	46	N	5	E
9	NWSE	16	10.7	ACRES IRRIGATION	46	N	5	E
12	NWSW	16	8	ACRES IRRIGATION	46	N	5	E
10	NWSW	16	12	ACRES IRRIGATION	46	N	5	E
11	NWSW	16	18.9	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	SENE	16	0.1	ACRES IRRIGATION	46	N	5	E
15	SESE	16	8.8	ACRES IRRIGATION	46	N	5	E
7	SESE	16	12.7	ACRES IRRIGATION	46	N	5	E
16	SESE	16	21.3	ACRES IRRIGATION	46	N	5	E
11	SESW	16	14	ACRES IRRIGATION	46	N	5	E
14	SESW	16	21.5	ACRES IRRIGATION	46	N	5	E
9	SWSE	16	1.5	ACRES IRRIGATION	46	N	5	E
15	SWSE	16	34.6	ACRES IRRIGATION	46	N	5	E
12	SWSW	16	4.1	ACRES IRRIGATION	46	N	5	E
13	SWSW	16	5.2	ACRES IRRIGATION	46	N	5	E
11	SWSW	16	11.2	ACRES IRRIGATION	46	N	5	E
14	SWSW	16	14.9	ACRES IRRIGATION	46	N	5	E
14	NESE	17	38	ACRES IRRIGATION	46	N	5	E
17	NESW	17	0.5	ACRES IRRIGATION	46	N	5	E
18	NESW	17	40	ACRES IRRIGATION	46	N	5	E
16	NWSE	17	5.3	ACRES IRRIGATION	46	N	5	E
15	NWSE	17	34.7	ACRES IRRIGATION	46	N	5	E
19	NWSW	17	29.3	ACRES IRRIGATION	46	N	5	E
14	SESE	17	4.2	ACRES IRRIGATION	46	N	5	E
24	SESE	17	31.4	ACRES IRRIGATION	46	N	5	E
18	SESW	17	14	ACRES IRRIGATION	46	N	5	E
22	SESW	17	26	ACRES IRRIGATION	46	N	5	E
15	SWSE	17	3.3	ACRES IRRIGATION	46	N	5	E
16	SWSE	17	6.7	ACRES IRRIGATION	46	N	5	E
24	SWSE	17	11.1	ACRES IRRIGATION	46	N	5	E
23	SWSE	17	17.5	ACRES IRRIGATION	46	N	5	E
22	SWSW	17	9.1	ACRES IRRIGATION	46	N	5	E
19	SWSW	17	11.1	ACRES IRRIGATION	46	N	5	E
19	NENE	20	9.5	ACRES IRRIGATION	46	N	5	E
14	NENE	20	25.6	ACRES IRRIGATION	46	N	5	E
17	NENW	20	5	ACRES IRRIGATION	46	N	5	E
16	NENW	20	24.1	ACRES IRRIGATION	46	N	5	E
20	NESE	20	8.5	ACRES IRRIGATION	46	N	5	E
21	NESE	20	27.6	ACRES IRRIGATION	46	N	5	E
14	NWNE	20	4	ACRES IRRIGATION	46	N	5	E
18	NWNE	20	9.9	ACRES IRRIGATION	46	N	5	E
15	NWNE	20	23.6	ACRES IRRIGATION	46	N	5	E
20	NWSE	20	4.6	ACRES IRRIGATION	46	N	5	E
21	NWSE	20	11.2	ACRES IRRIGATION	46	N	5	E
19	SENE	20	34.6	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	SENW	20	2	ACRES IRRIGATION	46	N	5	E
17	SENW	20	3	ACRES IRRIGATION	46	N	5	E
21	SESE	20	12.4	ACRES IRRIGATION	46	N	5	E
22	SESE	20	23.9	ACRES IRRIGATION	46	N	5	E
18	SWNE	20	28.9	ACRES IRRIGATION	46	N	5	E
22	SWSE	20	2.6	ACRES IRRIGATION	46	N	5	E
21	SWSE	20	4.5	ACRES IRRIGATION	46	N	5	E
21	NENE	21	8.8	ACRES IRRIGATION	46	N	5	E
13	NENE	21	9	ACRES IRRIGATION	46	N	5	E
20	NENE	21	10.2	ACRES IRRIGATION	46	N	5	E
12	NENE	21	30.6	ACRES IRRIGATION	46	N	5	E
18	NENW	21	14.1	ACRES IRRIGATION	46	N	5	E
14	NENW	21	37.2	ACRES IRRIGATION	46	N	5	E
23	NESE	21	10.2	ACRES IRRIGATION	46	N	5	E
22	NESE	21	30.6	ACRES IRRIGATION	46	N	5	E
	NESW	21	39	ACRES IRRIGATION	46	N	5	E
19	NWNE	21	15.6	ACRES IRRIGATION	46	N	5	E
13	NWNE	21	35.1	ACRES IRRIGATION	46	N	5	E
16	NWNW	21	2.6	ACRES IRRIGATION	46	N	5	E
15	NWNW	21	12.3	ACRES IRRIGATION	46	N	5	E
17	NWNW	21	14.5	ACRES IRRIGATION	46	N	5	E
14	NWNW	21	26.3	ACRES IRRIGATION	46	N	5	E
	NWSE	21	35.9	ACRES IRRIGATION	46	N	5	E
24	NWSW	21	6.6	ACRES IRRIGATION	46	N	5	E
25	NWSW	21	31.3	ACRES IRRIGATION	46	N	5	E
21	SENE	21	22.3	ACRES IRRIGATION	46	N	5	E
20	SENE	21	24	ACRES IRRIGATION	46	N	5	E
18	SENW	21	39	ACRES IRRIGATION	46	N	5	E
23	SESE	21	9.2	ACRES IRRIGATION	46	N	5	E
22	SESE	21	31.7	ACRES IRRIGATION	46	N	5	E
	SESW	21	38	ACRES IRRIGATION	46	N	5	E
19	SWNE	21	36.8	ACRES IRRIGATION	46	N	5	E
16	SWNW	21	6.5	ACRES IRRIGATION	46	N	5	E
17	SWNW	21	32.5	ACRES IRRIGATION	46	N	5	E
	SWSE	21	33.3	ACRES IRRIGATION	46	N	5	E
25	SWSW	21	5.2	ACRES IRRIGATION	46	N	5	E
24	SWSW	21	6.3	ACRES IRRIGATION	46	N	5	E
26	SWSW	21	28.7	ACRES IRRIGATION	46	N	5	E
15	NENE	22	12.8	ACRES IRRIGATION	46	N	5	E
14	NENE	22	14.7	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
21	NENE	22	18.6	ACRES IRRIGATION	46	N	5	E
16	NENW	22	19.6	ACRES IRRIGATION	46	N	5	E
19	NENW	22	24.1	ACRES IRRIGATION	46	N	5	E
12	NESE	22	34.5	ACRES IRRIGATION	46	N	5	E
24	NESW	22	1.4	ACRES IRRIGATION	46	N	5	E
23	NESW	22	11.4	ACRES IRRIGATION	46	N	5	E
25	NESW	22	19	ACRES IRRIGATION	46	N	5	E
20	NWNE	22	18.6	ACRES IRRIGATION	46	N	5	E
15	NWNE	22	27.4	ACRES IRRIGATION	46	N	5	E
16	NWNW	22	7.5	ACRES IRRIGATION	46	N	5	E
18	NWNW	22	13.6	ACRES IRRIGATION	46	N	5	E
17	NWNW	22	18.8	ACRES IRRIGATION	46	N	5	E
29	NWSE	22	2.3	ACRES IRRIGATION	46	N	5	E
22	NWSE	22	21.7	ACRES IRRIGATION	46	N	5	E
27	NWSW	22	13.3	ACRES IRRIGATION	46	N	5	E
26	NWSW	22	23.8	ACRES IRRIGATION	46	N	5	E
21	SENE	22	33.5	ACRES IRRIGATION	46	N	5	E
18	SENW	22	5.1	ACRES IRRIGATION	46	N	5	E
19	SENW	22	24.8	ACRES IRRIGATION	46	N	5	E
13	SESE	22	19.5	ACRES IRRIGATION	46	N	5	E
24	SESW	22	1.1	ACRES IRRIGATION	46	N	5	E
25	SESW	22	29.8	ACRES IRRIGATION	46	N	5	E
20	SWNE	22	36.9	ACRES IRRIGATION	46	N	5	E
18	SWNW	22	38.1	ACRES IRRIGATION	46	N	5	E
29	SWSE	22	19.4	ACRES IRRIGATION	46	N	5	E
27	SWSW	22	13	ACRES IRRIGATION	46	N	5	E
26	SWSW	22	23.8	ACRES IRRIGATION	46	N	5	E
27	NENE	23	11.2	ACRES IRRIGATION	46	N	5	E
36	NENE	23	41.8	ACRES IRRIGATION	46	N	5	E
30	NENW	23	13.1	ACRES IRRIGATION	46	N	5	E
34	NENW	23	16.2	ACRES IRRIGATION	46	N	5	E
33	NENW	23	20.7	ACRES IRRIGATION	46	N	5	E
42	NESE	23	5	ACRES IRRIGATION	46	N	5	E
37	NESE	23	33.3	ACRES IRRIGATION	46	N	5	E
39	NESW	23	3.7	ACRES IRRIGATION	46	N	5	E
38	NESW	23	10.3	ACRES IRRIGATION	46	N	5	E
28	NWNE	23	7.4	ACRES IRRIGATION	46	N	5	E
35	NWNE	23	21.1	ACRES IRRIGATION	46	N	5	E
31	NWNW	23	5.4	ACRES IRRIGATION	46	N	5	E
30	NWNW	23	15.5	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
32	NWNW	23	22.7	ACRES IRRIGATION	46	N	5	E
42	NWSE	23	0.4	ACRES IRRIGATION	46	N	5	E
37	NWSE	23	3.5	ACRES IRRIGATION	46	N	5	E
24	NWSE	23	6.9	ACRES IRRIGATION	46	N	5	E
3	NWSE	23	17.1	ACRES IRRIGATION	46	N	5	E
40	NWSW	23	6.1	ACRES IRRIGATION	46	N	5	E
39	NWSW	23	16.4	ACRES IRRIGATION	46	N	5	E
	SENE	23	38	ACRES IRRIGATION	46	N	5	E
33	SENW	23	6.5	ACRES IRRIGATION	46	N	5	E
34	SENW	23	9.3	ACRES IRRIGATION	46	N	5	E
42	SESE	23	37.9	ACRES IRRIGATION	46	N	5	E
5	SESW	23	1.6	ACRES IRRIGATION	46	N	5	E
19	SWNE	23	6.8	ACRES IRRIGATION	46	N	5	E
18	SWNE	23	11.2	ACRES IRRIGATION	46	N	5	E
31	SWNW	23	11	ACRES IRRIGATION	46	N	5	E
32	SWNW	23	25.7	ACRES IRRIGATION	46	N	5	E
42	SWSE	23	5.7	ACRES IRRIGATION	46	N	5	E
4	SWSE	23	19.2	ACRES IRRIGATION	46	N	5	E
26	SWSW	23	0.6	ACRES IRRIGATION	46	N	5	E
10	NENW	24	5.1	ACRES IRRIGATION	46	N	5	E
12	NESW	24	0.7	ACRES IRRIGATION	46	N	5	E
13	NESW	24	3.2	ACRES IRRIGATION	46	N	5	E
10	NWNW	24	40	ACRES IRRIGATION	46	N	5	E
13	NWSW	24	13.5	ACRES IRRIGATION	46	N	5	E
12	NWSW	24	26.2	ACRES IRRIGATION	46	N	5	E
7	SESW	24	2.9	ACRES IRRIGATION	46	N	5	E
11	SWNW	24	31.8	ACRES IRRIGATION	46	N	5	E
7	SWSW	24	37.2	ACRES IRRIGATION	46	N	5	E
4	NWNW	25	6.4	ACRES IRRIGATION	46	N	5	E
3	NWNW	25	15.5	ACRES IRRIGATION	46	N	5	E
5	NENE	26	6.6	ACRES IRRIGATION	46	N	5	E
4	NENE	26	13.8	ACRES IRRIGATION	46	N	5	E
	NENW	26	0.7	ACRES IRRIGATION	46	N	5	E
5	NWNE	26	0.1	ACRES IRRIGATION	46	N	5	E
2	NWNE	26	2.4	ACRES IRRIGATION	46	N	5	E
4	NWNE	26	4.4	ACRES IRRIGATION	46	N	5	E
13	NENW	27	31.1	ACRES IRRIGATION	46	N	5	E
11	NWNE	27	0.1	ACRES IRRIGATION	46	N	5	E
12	NWNE	27	4	ACRES IRRIGATION	46	N	5	E
15	NWNW	27	10	ACRES IRRIGATION	46	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
14	NWNW	27	30	ACRES IRRIGATION	46	N	5	E
13	SENW	27	8.2	ACRES IRRIGATION	46	N	5	E
15	SWNW	27	4.8	ACRES IRRIGATION	46	N	5	E
14	SWNW	27	12.6	ACRES IRRIGATION	46	N	5	E
15	NENE	28	39.7	ACRES IRRIGATION	46	N	5	E
19	NENW	28	19.7	ACRES IRRIGATION	46	N	5	E
18	NENW	28	19.8	ACRES IRRIGATION	46	N	5	E
25	NESW	28	4.7	ACRES IRRIGATION	46	N	5	E
24	NESW	28	8.4	ACRES IRRIGATION	46	N	5	E
16	NWNE	28	7	ACRES IRRIGATION	46	N	5	E
17	NWNE	28	32	ACRES IRRIGATION	46	N	5	E
21	NWNW	28	12.1	ACRES IRRIGATION	46	N	5	E
20	NWNW	28	27.5	ACRES IRRIGATION	46	N	5	E
13	NWSE	28	1.6	ACRES IRRIGATION	46	N	5	E
25	NWSW	28	0.1	ACRES IRRIGATION	46	N	5	E
15	SENE	28	21.3	ACRES IRRIGATION	46	N	5	E
19	SENW	28	18	ACRES IRRIGATION	46	N	5	E
18	SENW	28	18.3	ACRES IRRIGATION	46	N	5	E
16	SWNE	28	4.2	ACRES IRRIGATION	46	N	5	E
17	SWNE	28	13.8	ACRES IRRIGATION	46	N	5	E
21	SWNW	28	3.9	ACRES IRRIGATION	46	N	5	E
20	SWNW	28	16.3	ACRES IRRIGATION	46	N	5	E
3	NENE	29	27.3	ACRES IRRIGATION	46	N	5	E
4	SENE	29	1.3	ACRES IRRIGATION	46	N	5	E
13	NESW	5	1.2	ACRES IRRIGATION	46	N	6	E
11	NWNW	5	24.8	ACRES IRRIGATION	46	N	6	E
13	NWSW	5	38	ACRES IRRIGATION	46	N	6	E
12	SENW	5	1.4	ACRES IRRIGATION	46	N	6	E
12	SWNW	5	31.2	ACRES IRRIGATION	46	N	6	E
14	SWSW	5	30.4	ACRES IRRIGATION	46	N	6	E
28	NENE	6	2	ACRES IRRIGATION	46	N	6	E
25	NENE	6	14.2	ACRES IRRIGATION	46	N	6	E
24	NENE	6	23	ACRES IRRIGATION	46	N	6	E
15	NENW	6	3.4	ACRES IRRIGATION	46	N	6	E
14	NENW	6	32.7	ACRES IRRIGATION	46	N	6	E
34	NESE	6	1.5	ACRES IRRIGATION	46	N	6	E
30	NESE	6	5.5	ACRES IRRIGATION	46	N	6	E
31	NESE	6	25.2	ACRES IRRIGATION	46	N	6	E
6	NESW	6	34.1	ACRES IRRIGATION	46	N	6	E
27	NWNE	6	2.5	ACRES IRRIGATION	46	N	6	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
26	NWNE	6	27.8	ACRES IRRIGATION	46	N	6	E
14	NWNW	6	6.3	ACRES IRRIGATION	46	N	6	E
15	NWNW	6	28.2	ACRES IRRIGATION	46	N	6	E
32	NWSE	6	6.5	ACRES IRRIGATION	46	N	6	E
10	NWSW	6	40	ACRES IRRIGATION	46	N	6	E
29	SENE	6	10	ACRES IRRIGATION	46	N	6	E
28	SENE	6	25.9	ACRES IRRIGATION	46	N	6	E
14	SENW	6	1.2	ACRES IRRIGATION	46	N	6	E
17	SENW	6	7.6	ACRES IRRIGATION	46	N	6	E
16	SENW	6	21.7	ACRES IRRIGATION	46	N	6	E
31	SESE	6	6.8	ACRES IRRIGATION	46	N	6	E
34	SESE	6	27.4	ACRES IRRIGATION	46	N	6	E
1	SESW	6	2.1	ACRES IRRIGATION	46	N	6	E
21	SESW	6	7.2	ACRES IRRIGATION	46	N	6	E
22	SESW	6	23.9	ACRES IRRIGATION	46	N	6	E
18	SWNE	6	1.8	ACRES IRRIGATION	46	N	6	E
27	SWNE	6	18	ACRES IRRIGATION	46	N	6	E
17	SWNW	6	10	ACRES IRRIGATION	46	N	6	E
16	SWNW	6	30	ACRES IRRIGATION	46	N	6	E
23	SWSE	6	2.4	ACRES IRRIGATION	46	N	6	E
33	SWSE	6	3.1	ACRES IRRIGATION	46	N	6	E
1	SWSE	6	4.4	ACRES IRRIGATION	46	N	6	E
32	SWSE	6	7	ACRES IRRIGATION	46	N	6	E
21	SWSW	6	10	ACRES IRRIGATION	46	N	6	E
22	SWSW	6	30	ACRES IRRIGATION	46	N	6	E
5	NENE	7	21	ACRES IRRIGATION	46	N	6	E
17	NENW	7	9.3	ACRES IRRIGATION	46	N	6	E
16	NENW	7	27.9	ACRES IRRIGATION	46	N	6	E
	NESW	7	39.9	ACRES IRRIGATION	46	N	6	E
14	NWNE	7	7.4	ACRES IRRIGATION	46	N	6	E
17	NWNW	7	9.5	ACRES IRRIGATION	46	N	6	E
16	NWNW	7	30.9	ACRES IRRIGATION	46	N	6	E
8	NWSE	7	5.6	ACRES IRRIGATION	46	N	6	E
12	NWSW	7	39.9	ACRES IRRIGATION	46	N	6	E
	SENW	7	35.3	ACRES IRRIGATION	46	N	6	E
	SESW	7	38	ACRES IRRIGATION	46	N	6	E
11	SWNW	7	35.3	ACRES IRRIGATION	46	N	6	E
9	SWSE	7	9.9	ACRES IRRIGATION	46	N	6	E
13	SWSW	7	38	ACRES IRRIGATION	46	N	6	E
	NWNW	8	12.4	ACRES IRRIGATION	46	N	6	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	17	6.8	ACRES IRRIGATION	46	N	6	E
	NENE	18	27.7	ACRES IRRIGATION	46	N	6	E
10	NENW	18	9.3	ACRES IRRIGATION	46	N	6	E
7	NENW	18	26.6	ACRES IRRIGATION	46	N	6	E
1	NWNE	18	4.2	ACRES IRRIGATION	46	N	6	E
6	NWNE	18	6.9	ACRES IRRIGATION	46	N	6	E
9	NWNW	18	31.8	ACRES IRRIGATION	46	N	6	E
	SENE	18	8.2	ACRES IRRIGATION	46	N	6	E
4	NWNW	2	0.1	ACRES IRRIGATION	47	N	3	E
	NWSW	2	10.7	ACRES IRRIGATION	47	N	3	E
	SWNW	2	0.2	ACRES IRRIGATION	47	N	3	E
	SWSW	2	15.2	ACRES IRRIGATION	47	N	3	E
1	NENE	3	10	ACRES IRRIGATION	47	N	3	E
	NENW	3	18.4	ACRES IRRIGATION	47	N	3	E
	NESE	3	40	ACRES IRRIGATION	47	N	3	E
	NESW	3	40	ACRES IRRIGATION	47	N	3	E
2	NWNE	3	0.6	ACRES IRRIGATION	47	N	3	E
	NWNE	3	7.3	ACRES IRRIGATION	47	N	3	E
	NWNW	3	29.3	ACRES IRRIGATION	47	N	3	E
	NWSE	3	40	ACRES IRRIGATION	47	N	3	E
	NWSW	3	40	ACRES IRRIGATION	47	N	3	E
	SENE	3	24.3	ACRES IRRIGATION	47	N	3	E
	SENW	3	40	ACRES IRRIGATION	47	N	3	E
	SESE	3	40	ACRES IRRIGATION	47	N	3	E
	SESW	3	40	ACRES IRRIGATION	47	N	3	E
	SWNE	3	39.8	ACRES IRRIGATION	47	N	3	E
	SWNW	3	40	ACRES IRRIGATION	47	N	3	E
	SWSE	3	40	ACRES IRRIGATION	47	N	3	E
	SWSW	3	40	ACRES IRRIGATION	47	N	3	E
	NENE	4	37.2	ACRES IRRIGATION	47	N	3	E
	NESE	4	40	ACRES IRRIGATION	47	N	3	E
	NESW	4	13	ACRES IRRIGATION	47	N	3	E
	NWNE	4	28.4	ACRES IRRIGATION	47	N	3	E
	NWSE	4	40	ACRES IRRIGATION	47	N	3	E
	SENE	4	40	ACRES IRRIGATION	47	N	3	E
	SENW	4	2.6	ACRES IRRIGATION	47	N	3	E
	SESE	4	40	ACRES IRRIGATION	47	N	3	E
	SESW	4	18.9	ACRES IRRIGATION	47	N	3	E
	SWNE	4	39.5	ACRES IRRIGATION	47	N	3	E
	SWSE	4	40	ACRES IRRIGATION	47	N	3	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENE	9	40	ACRES IRRIGATION	47	N	3	E
	NENW	9	18.9	ACRES IRRIGATION	47	N	3	E
	NESE	9	40	ACRES IRRIGATION	47	N	3	E
	NWNE	9	40	ACRES IRRIGATION	47	N	3	E
	NWSE	9	29.3	ACRES IRRIGATION	47	N	3	E
	SENE	9	40	ACRES IRRIGATION	47	N	3	E
	SENW	9	10	ACRES IRRIGATION	47	N	3	E
	SWNE	9	40	ACRES IRRIGATION	47	N	3	E
	SWSE	9	8.3	ACRES IRRIGATION	47	N	3	E
	NENE	10	40	ACRES IRRIGATION	47	N	3	E
	NENW	10	40	ACRES IRRIGATION	47	N	3	E
	NESE	10	21.5	ACRES IRRIGATION	47	N	3	E
	NESW	10	39	ACRES IRRIGATION	47	N	3	E
	NWNE	10	40	ACRES IRRIGATION	47	N	3	E
	NWNW	10	40	ACRES IRRIGATION	47	N	3	E
	NWSE	10	40	ACRES IRRIGATION	47	N	3	E
	NWSW	10	36	ACRES IRRIGATION	47	N	3	E
	SENE	10	37.8	ACRES IRRIGATION	47	N	3	E
	SENW	10	40	ACRES IRRIGATION	47	N	3	E
	SESE	10	1.1	ACRES IRRIGATION	47	N	3	E
	SWNE	10	40	ACRES IRRIGATION	47	N	3	E
	SWNW	10	40	ACRES IRRIGATION	47	N	3	E
	NESW	11	4.8	ACRES IRRIGATION	47	N	3	E
	NWNW	11	12.4	ACRES IRRIGATION	47	N	3	E
	SESW	11	38.6	ACRES IRRIGATION	47	N	3	E
	SWNW	11	2.2	ACRES IRRIGATION	47	N	3	E
	SWSW	11	38	ACRES IRRIGATION	47	N	3	E
	NWNW	14	39.4	ACRES IRRIGATION	47	N	3	E
	NWSW	14	36	ACRES IRRIGATION	47	N	3	E
	SWNW	14	38	ACRES IRRIGATION	47	N	3	E
	SWSW	14	1.2	ACRES IRRIGATION	47	N	3	E
	NENE	15	36	ACRES IRRIGATION	47	N	3	E
	NESE	15	34.9	ACRES IRRIGATION	47	N	3	E
	NWSE	15	1.8	ACRES IRRIGATION	47	N	3	E
	SENE	15	39	ACRES IRRIGATION	47	N	3	E
	SWNE	15	5.3	ACRES IRRIGATION	47	N	3	E
1	NENE	1	27	ACRES IRRIGATION	47	N	4	E
3	NENW	1	16.6	ACRES IRRIGATION	47	N	4	E
9	NESE	1	1.1	ACRES IRRIGATION	47	N	4	E
8	NESE	I	24.6	ACRES IRRIGATION	47	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	1	38	ACRES IRRIGATION	47	N	4	E
6	NWNE	1	1.8	ACRES IRRIGATION	47	N	4	E
5	NWNE	1	13	ACRES IRRIGATION	47	N	4	E
4	NWNW	1	23.3	ACRES IRRIGATION	47	N	4	E
	NWSE	1	33.4	ACRES IRRIGATION	47	N	4	E
	NWSW	1	38	ACRES IRRIGATION	47	N	4	E
8	SENE	1	6.3	ACRES IRRIGATION	47	N	4	E
9	SENE	1	25.4	ACRES IRRIGATION	47	N	4	E
	SENW	1	40	ACRES IRRIGATION	47	N	4	E
	SESE	1	40	ACRES IRRIGATION	47	N	4	E
	SESW	1	40	ACRES IRRIGATION	47	N	4	E
5	SWNE	1	0.8	ACRES IRRIGATION	47	N	4	E
7	SWNE	1	34.3	ACRES IRRIGATION	47	N	4	E
	SWNW	1	40	ACRES IRRIGATION	47	N	4	E
	SWSE	1	37.1	ACRES IRRIGATION	47	N	4	E
	SWSW	1	40	ACRES IRRIGATION	47	N	4	E
1	NENE	2	28	ACRES IRRIGATION	47	N	4	E
3	NENW	2	28.7	ACRES IRRIGATION	47	N	4	E
	NESE	2	38	ACRES IRRIGATION	47	N	4	E
	NESW	2	38.6	ACRES IRRIGATION	47	N	4	E
2	NWNE	2	29	ACRES IRRIGATION	47	N	4	E
4	NWNW	2	28	ACRES IRRIGATION	47	N	4	E
	NWSE	2	38.6	ACRES IRRIGATION	47	N	4	E
	NWSW	2	34.3	ACRES IRRIGATION	47	N	4	E
	SENE	2	40	ACRES IRRIGATION	47	N	4	E
	SENW	2	36.2	ACRES IRRIGATION	47	N	4	E
	SESE	2	40	ACRES IRRIGATION	47	N	4	E
6	SESW	2	35.1	ACRES IRRIGATION	47	N	4	E
	SWNE	2	40	ACRES IRRIGATION	47	N	4	E
	SWNW	2	33.4	ACRES IRRIGATION	47	N	4	E
	SWSE	2	38.6	ACRES IRRIGATION	47	N	4	E
5	SWSW	2	22.2	ACRES IRRIGATION	47	N	4	E
1	NENE	3	28.1	ACRES IRRIGATION	47	N	4	E
7	NENW	3	21.5	ACRES IRRIGATION	47	N	4	E
	NESE	3	40	ACRES IRRIGATION	47	N	4	E
12	NESW	3	18.3	ACRES IRRIGATION	47	N	4	E
5	NWNE	3	13.4	ACRES IRRIGATION	47	N	4	E
4	NWNW	3	26.8	ACRES IRRIGATION	47	N	4	E
10	NWSE	3	15.1	ACRES IRRIGATION	47	N	4	E
13	NWSW	3	13.1	ACRES IRRIGATION	47	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	3	38.1	ACRES IRRIGATION	47	N	4	E
8	SENW	3	28.9	ACRES IRRIGATION	47	N	4	E
17	SESE	3	10.6	ACRES IRRIGATION	47	N	4	E
21	SWNE	3	4.9	ACRES IRRIGATION	47	N	4	E
20	SWNE	3	5.1	ACRES IRRIGATION	47	N	4	E
19	SWNE	3	10.5	ACRES IRRIGATION	47	N	4	E
	SWNW	3	38.8	ACRES IRRIGATION	47	N	4	E
1	NENE	4	27.4	ACRES IRRIGATION	47	N	4	E
3	NENW	4	26.6	ACRES IRRIGATION	47	N	4	E
11	NESE	4	1.2	ACRES IRRIGATION	47	N	4	E
2	NWNE	4	28	ACRES IRRIGATION	47	N	4	E
4	NWNW	4	28	ACRES IRRIGATION	47	N	4	E
10	SENE	4	38.1	ACRES IRRIGATION	47	N	4	E
7	SENW	4	18.7	ACRES IRRIGATION	47	N	4	E
8	SWNE	4	29	ACRES IRRIGATION	47	N	4	E
5	SWNW	4	5.8	ACRES IRRIGATION	47	N	4	E
1	NENE	5	26.9	ACRES IRRIGATION	47	N	4	E
3	NENW	5	27.8	ACRES IRRIGATION	47	N	4	E
	NESW	5	34.8	ACRES IRRIGATION	47	N	4	E
2	NWNE	5	27.8	ACRES IRRIGATION	47	N	4	E
	NWSW	5	40	ACRES IRRIGATION	47	N	4	E
	SESW	5	32.6	ACRES IRRIGATION	47	N	4	E
	SWSW	5	40	ACRES IRRIGATION	47	N	4	E
1	NENE	6	27.8	ACRES IRRIGATION	47	N	4	E
3	NENW	6	5.8	ACRES IRRIGATION	47	N	4	E
	NESE	6	40	ACRES IRRIGATION	47	N	4	E
	NESW	6	7.1	ACRES IRRIGATION	47	N	4	E
2	NWNE	6	27.6	ACRES IRRIGATION	47	N	4	E
	NWSE	6	40	ACRES IRRIGATION	47	N	4	E
4	SENW	6	8.7	ACRES IRRIGATION	47	N	4	E
	SESE	6	40	ACRES IRRIGATION	47	N	4	E
8	SESW	6	1.7	ACRES IRRIGATION	47	N	4	E
	SESW	6	10	ACRES IRRIGATION	47	N	4	E
	SWSE	6	39.6	ACRES IRRIGATION	47	N	4	E
	NENE	7	39	ACRES IRRIGATION	47	N	4	E
	NENW	7	10	ACRES IRRIGATION	47	N	4	E
	NESE	7	40	ACRES IRRIGATION	47	N	4	E
	NESW	7	10	ACRES IRRIGATION	47	N	4	E
	NWNE	7	39	ACRES IRRIGATION	47	N	4	E
	NWSE	7	40	ACRES IRRIGATION	47	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	7	39.2	ACRES IRRIGATION	47	N	4	E
	SENW	7	10	ACRES IRRIGATION	47	N	4	E
	SESE	7	40	ACRES IRRIGATION	47	N	4	E
	SWNE	7	39.2	ACRES IRRIGATION	47	N	4	E
	SWSE	7	39.2	ACRES IRRIGATION	47	N	4	E
	NENW	8	32.8	ACRES IRRIGATION	47	N	4	E
	NESW	8	37	ACRES IRRIGATION	47	N	4	E
	NWNW	8	39	ACRES IRRIGATION	47	N	4	E
	NWSW	8	40	ACRES IRRIGATION	47	N	4	E
	SENW	8	35.4	ACRES IRRIGATION	47	N	4	E
	SESW	8	34.3	ACRES IRRIGATION	47	N	4	E
	SWNW	8	38.4	ACRES IRRIGATION	47	N	4	E
	SWSW	8	39	ACRES IRRIGATION	47	N	4	E
1	NENE	11	24	ACRES IRRIGATION	47	N	4	E
2	NWNE	11	9.1	ACRES IRRIGATION	47	N	4	E
	NENE	12	40	ACRES IRRIGATION	47	N	4	E
	NENW	12	40	ACRES IRRIGATION	47	N	4	E
8	NESE	12	8.3	ACRES IRRIGATION	47	N	4	E
	NWNE	12	38	ACRES IRRIGATION	47	N	4	E
	NWNW	12	17	ACRES IRRIGATION	47	N	4	E
1	NWNW	12	39.2	ACRES IRRIGATION	47	N	4	E
5	SENE	12	38.8	ACRES IRRIGATION	47	N	4	E
3	SENW	12	13.1	ACRES IRRIGATION	47	N	4	E
4	SWNE	12	25.2	ACRES IRRIGATION	47	N	4	E
	NENE	18	36.2	ACRES IRRIGATION	47	N	4	E
	NWNE	18	34.2	ACRES IRRIGATION	47	N	4	E
	SENE	18	40	ACRES IRRIGATION	47	N	4	E
	SWNE	18	40	ACRES IRRIGATION	47	N	4	E
16	NENW	1	2.4	ACRES IRRIGATION	47	N	5	E
	NESE	1	36.9	ACRES IRRIGATION	47	N	5	E
20	NESW	1	9.7	ACRES IRRIGATION	47	N	5	E
16	NWNW	1	36.7	ACRES IRRIGATION	47	N	5	E
	NWSE	1	22.8	ACRES IRRIGATION	47	N	5	E
	NWSW	1	39.1	ACRES IRRIGATION	47	N	5	E
	SENE	1	11.4	ACRES IRRIGATION	47	N	5	E
17	SENW	1	2.3	ACRES IRRIGATION	47	N	5	E
8	SESE	1	18.6	ACRES IRRIGATION	47	N	5	E
14	SESE	1	22	ACRES IRRIGATION	47	N	5	E
20	SESW	1	11.7	ACRES IRRIGATION	47	N	5	E
	SWNE	1	7.8	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
17	SWNW	1	40.7	ACRES IRRIGATION	47	N	5	E
14	SWSE	1	6.3	ACRES IRRIGATION	47	N	5	E
7	SWSE	1	15.2	ACRES IRRIGATION	47	N	5	E
	SWSW	1	38.2	ACRES IRRIGATION	47	N	5	E
1	NENE	2	33.3	ACRES IRRIGATION	47	N	5	E
3	NENW	2	35.4	ACRES IRRIGATION	47	N	5	E
	NESE	2	37.3	ACRES IRRIGATION	47	N	5	E
	NESW	2	38	ACRES IRRIGATION	47	N	5	E
2	NWNE	2	34.9	ACRES IRRIGATION	47	N	5	E
4	NWNW	2	35.6	ACRES IRRIGATION	47	N	5	E
	NWSE	2	37.9	ACRES IRRIGATION	47	N	5	E
	NWSW	2	37.9	ACRES IRRIGATION	47	N	5	E
	SENE	2	37.3	ACRES IRRIGATION	47	N	5	E
	SENW	2	38	ACRES IRRIGATION	47	N	5	E
	SESE	2	36.9	ACRES IRRIGATION	47	N	5	E
	SESW	2	37.1	ACRES IRRIGATION	47	N	5	E
	SWNE	2	37.5	ACRES IRRIGATION	47	N	5	E
	SWNW	2	38	ACRES IRRIGATION	47	N	5	E
	SWSE	2	36	ACRES IRRIGATION	47	N	5	E
	SWSW	2	37	ACRES IRRIGATION	47	N	5	E
1	NENE	3	35	ACRES IRRIGATION	47	N	5	E
3	NENW	3	33.2	ACRES IRRIGATION	47	N	5	E
	NESE	3	37.2	ACRES IRRIGATION	47	N	5	E
	NESW	3	37.2	ACRES IRRIGATION	47	N	5	E
2	NWNE	3	35.1	ACRES IRRIGATION	47	N	5	E
4	NWNW	3	33.6	ACRES IRRIGATION	47	N	5	E
	NWSE	3	39	ACRES IRRIGATION	47	N	5	E
	NWSW	3	35.7	ACRES IRRIGATION	47	N	5	E
	SENE	3	37.2	ACRES IRRIGATION	47	N	5	E
	SENW	3	37.2	ACRES IRRIGATION	47	N	5	E
	SESE	3	34.7	ACRES IRRIGATION	47	N	5	E
	SESW	3	35.8	ACRES IRRIGATION	47	N	5	E
	SWNE	3	39	ACRES IRRIGATION	47	N	5	E
	SWNW	3	37	ACRES IRRIGATION	47	N	5	E
	SWSE	3	37	ACRES IRRIGATION	47	N	5	E
	SWSW	3	36.5	ACRES IRRIGATION	47	N	5	E
1	NENE	4	33.7	ACRES IRRIGATION	47	N	5	E
3	NENW	4	32.8	ACRES IRRIGATION	47	N	5	E
	NESE	4	37.4	ACRES IRRIGATION	47	N	5	E
	NESW	4	36.4	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
2	NWNE	4	35.9	ACRES IRRIGATION	47	N	5	E
4	NWNW	4	28	ACRES IRRIGATION	47	N	5	E
	NWSE	4	37	ACRES IRRIGATION	47	N	5	E
	NWSW	4	32	ACRES IRRIGATION	47	N	5	E
	SENE	4	37.4	ACRES IRRIGATION	47	N	5	E
	SENW	4	36.2	ACRES IRRIGATION	47	N	5	E
	SESE	4	36	ACRES IRRIGATION	47	N	5	E
	SESW	4	34.9	ACRES IRRIGATION	47	N	5	E
	SWNE	4	37.5	ACRES IRRIGATION	47	N	5	E
	SWNW	4	32	ACRES IRRIGATION	47	N	5	E
	SWSE	4	34.4	ACRES IRRIGATION	47	N	5	E
	SWSW	4	31.3	ACRES IRRIGATION	47	N	5	E
1	NENE	5	33.1	ACRES IRRIGATION	47	N	5	E
3	NENW	5	34	ACRES IRRIGATION	47	N	5	E
	NESE	5	37.5	ACRES IRRIGATION	47	N	5	E
	NESW	5	38	ACRES IRRIGATION	47	N	5	E
2	NWNE	5	31.8	ACRES IRRIGATION	47	N	5	E
4	NWNW	5	34.3	ACRES IRRIGATION	47	N	5	E
	NWSE	5	37.5	ACRES IRRIGATION	47	N	5	E
	NWSW	5	37.2	ACRES IRRIGATION	47	N	5	E
	SENE	5	37.5	ACRES IRRIGATION	47	N	5	E
	SENW	5	38.4	ACRES IRRIGATION	47	N	5	E
	SESE	5	37	ACRES IRRIGATION	47	N	5	E
	SESW	5	36	ACRES IRRIGATION	47	N	5	E
	SWNE	5	37.5	ACRES IRRIGATION	47	N	5	E
	SWNW	5	37.2	ACRES IRRIGATION	47	N	5	E
	SWSE	5	35.8	ACRES IRRIGATION	47	N	5	E
	SWSW	5	35.8	ACRES IRRIGATION	47	N	5	E
1	NENE	6	30.5	ACRES IRRIGATION	47	N	5	E
3	NENW	6	31.1	ACRES IRRIGATION	47	N	5	E
	NESE	6	36.8	ACRES IRRIGATION	47	N	5	E
	NESW	6	36	ACRES IRRIGATION	47	N	5	E
2	NWNE	6	34.6	ACRES IRRIGATION	47	N	5	E
4	NWNW	6	34.8	ACRES IRRIGATION	47	N	5	E
	NWSE	6	36.8	ACRES IRRIGATION	47	N	5	E
11	NWSW	6	27.6	ACRES IRRIGATION	47	N	5	E
8	SENE	6	30.4	ACRES IRRIGATION	47	N	5	E
6	SENW	6	30.1	ACRES IRRIGATION	47	N	5	E
	SESE	6	34.7	ACRES IRRIGATION	47	N	5	E
15	SESW	6	36.1	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
7	SWNE	6	29.5	ACRES IRRIGATION	47	N	5	E
5	SWNW	6	32	ACRES IRRIGATION	47	N	5	E
	SWSE	6	34.7	ACRES IRRIGATION	47	N	5	E
14	SWSW	6	4.9	ACRES IRRIGATION	47	N	5	E
13	SWSW	6	24.9	ACRES IRRIGATION	47	N	5	E
	NENE	7	32.9	ACRES IRRIGATION	47	N	5	E
5	NENW	7	12.6	ACRES IRRIGATION	47	N	5	E
6	NENW	7	16.5	ACRES IRRIGATION	47	N	5	E
9	NESE	7	4.1	ACRES IRRIGATION	47	N	5	E
12	NESE	7	6.8	ACRES IRRIGATION	47	N	5	E
10	NESE	7	21.9	ACRES IRRIGATION	47	N	5	E
	NESW	7	37.6	ACRES IRRIGATION	47	N	5	E
	NWNE	7	35.5	ACRES IRRIGATION	47	N	5	E
1	NWNW	7	38	ACRES IRRIGATION	47	N	5	E
12	NWSE	7	12.4	ACRES IRRIGATION	47	N	5	E
13	NWSE	7	21	ACRES IRRIGATION	47	N	5	E
16	NWSW	7	40	ACRES IRRIGATION	47	N	5	E
	SENE	7	35.4	ACRES IRRIGATION	47	N	5	E
	SENW	7	37.4	ACRES IRRIGATION	47	N	5	E
21	SESE	7	0.3	ACRES IRRIGATION	47	N	5	E
10	SESE	7	1.2	ACRES IRRIGATION	47	N	5	E
12	SESE	7	3.6	ACRES IRRIGATION	47	N	5	E
20	SESE	7	31.3	ACRES IRRIGATION	47	N	5	E
14	SESW	7	9	ACRES IRRIGATION	47	N	5	E
15	SESW	7	23	ACRES IRRIGATION	47	N	5	E
7	SWNE	7	12.6	ACRES IRRIGATION	47	N	5	E
8	SWNE	7	15.3	ACRES IRRIGATION	47	N	5	E
18	SWNW	7	7.9	ACRES IRRIGATION	47	N	5	E
19	SWNW	7	29.2	ACRES IRRIGATION	47	N	5	E
13	SWSE	7	0.5	ACRES IRRIGATION	47	N	5	E
20	SWSE	7	5	ACRES IRRIGATION	47	N	5	E
12	SWSE	7	33.7	ACRES IRRIGATION	47	N	5	E
16	SWSW	7	10.9	ACRES IRRIGATION	47	N	5	E
1	NENE	8	30.5	ACRES IRRIGATION	47	N	5	E
3	NENW	8	31.8	ACRES IRRIGATION	47	N	5	E
	NESE	8	35.2	ACRES IRRIGATION	47	N	5	E
	NESW	8	33.2	ACRES IRRIGATION	47	N	5	E
2	NWNE	8	31.9	ACRES IRRIGATION	47	N	5	E
4	NWNW	8	32.5	ACRES IRRIGATION	47	N	5	E
	NWSE	8	34	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSW	8	36.9	ACRES IRRIGATION	47	N	5	E
	SENE	8	34.6	ACRES IRRIGATION	47	N	5	E
	SENW	8	36.1	ACRES IRRIGATION	47	N	5	E
	SESE	8	35.3	ACRES IRRIGATION	47	N	5	E
	SESW	8	37.5	ACRES IRRIGATION	47	N	5	E
	SWNE	8	38.8	ACRES IRRIGATION	47	N	5	E
	SWNW	8	39.4	ACRES IRRIGATION	47	N	5	E
	SWSE	8	35.6	ACRES IRRIGATION	47	N	5	E
7	SWSW	8	0.8	ACRES IRRIGATION	47	N	5	E
8	SWSW	8	3.4	ACRES IRRIGATION	47	N	5	E
5	SWSW	8	28.9	ACRES IRRIGATION	47	N	5	E
1	NENE	9	30.5	ACRES IRRIGATION	47	N	5	E
3	NENW	9	30.9	ACRES IRRIGATION	47	N	5	E
	NESE	9	34.3	ACRES IRRIGATION	47	N	5	E
	NESW	9	35.5	ACRES IRRIGATION	47	N	5	E
2	NWNE	9	31.8	ACRES IRRIGATION	47	N	5	E
4	NWNW	9	26.7	ACRES IRRIGATION	47	N	5	E
	NWSE	9	36	ACRES IRRIGATION	47	N	5	E
	NWSW	9	31.4	ACRES IRRIGATION	47	N	5	E
	SENE	9	34.2	ACRES IRRIGATION	47	N	5	E
	SENW	9	35.2	ACRES IRRIGATION	47	N	5	E
	SESE	9	35.3	ACRES IRRIGATION	47	N	5	E
	SESW	9	34.2	ACRES IRRIGATION	47	N	5	E
	SWNE	9	35.9	ACRES IRRIGATION	47	N	5	E
	SWNW	9	31.4	ACRES IRRIGATION	47	N	5	E
	SWSE	9	35.6	ACRES IRRIGATION	47	N	5	E
	SWSW	9	32.1	ACRES IRRIGATION	47	N	5	E
1	NENE	10	27.4	ACRES IRRIGATION	47	N	5	E
3	NENW	10	29.4	ACRES IRRIGATION	47	N	5	E
	NESE	10	35.5	ACRES IRRIGATION	47	N	5	E
	NESW	10	37.3	ACRES IRRIGATION	47	N	5	E
2	NWNE	10	29.5	ACRES IRRIGATION	47	N	5	E
4	NWNW	10	30.3	ACRES IRRIGATION	47	N	5	E
	NWSE	10	38.5	ACRES IRRIGATION	47	N	5	E
	NWSW	10	35.5	ACRES IRRIGATION	47	N	5	E
	SENE	10	34.7	ACRES IRRIGATION	47	N	5	E
	SENW	10	34.4	ACRES IRRIGATION	47	N	5	E
	SESE	10	34	ACRES IRRIGATION	47	N	5	E
	SESW	10	35.7	ACRES IRRIGATION	47	N	5	E
	SWNE	10	35.2	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNW	10	35.2	ACRES IRRIGATION	47	N	5	E
	SWSE	10	35.3	ACRES IRRIGATION	47	N	5	E
	SWSW	10	36.7	ACRES IRRIGATION	47	N	5	E
1	NENE	11	30.4	ACRES IRRIGATION	47	N	5	E
3	NENW	11	30.4	ACRES IRRIGATION	47	N	5	E
	NESE	11	36.2	ACRES IRRIGATION	47	N	5	E
	NESW	11	36.1	ACRES IRRIGATION	47	N	5	E
2	NWNE	11	31.9	ACRES IRRIGATION	47	N	5	E
4	NWNW	11	32	ACRES IRRIGATION	47	N	5	E
	NWSE	11	36.2	ACRES IRRIGATION	47	N	5	E
	NWSW	11	37.1	ACRES IRRIGATION	47	N	5	E
	SENE	11	36	ACRES IRRIGATION	47	N	5	E
	SENW	11	35.8	ACRES IRRIGATION	47	N	5	E
	SESE	11	36.4	ACRES IRRIGATION	47	N	5	E
	SESW	11	36	ACRES IRRIGATION	47	N	5	E
	SWNE	11	37.8	ACRES IRRIGATION	47	N	5	E
	SWNW	11	38	ACRES IRRIGATION	47	N	5	E
	SWSE	11	37	ACRES IRRIGATION	47	N	5	E
	SWSW	11	36.1	ACRES IRRIGATION	47	N	5	E
13	NENE	12	33.2	ACRES IRRIGATION	47	N	5	E
16	NENW	12	15.2	ACRES IRRIGATION	47	N	5	E
9	NESE	12	44	ACRES IRRIGATION	47	N	5	E
10	NESW	12	41.6	ACRES IRRIGATION	47	N	5	E
14	NWNE	12	12.4	ACRES IRRIGATION	47	N	5	E
6	NWNW	12	30.3	ACRES IRRIGATION	47	N	5	E
	NWSE	12	40	ACRES IRRIGATION	47	N	5	E
	NWSW	12	33.9	ACRES IRRIGATION	47	N	5	E
13	SENE	12	9.8	ACRES IRRIGATION	47	N	5	E
18	SENE	12	25.3	ACRES IRRIGATION	47	N	5	E
16	SENW	12	37.6	ACRES IRRIGATION	47	N	5	E
12	SESE	12	46	ACRES IRRIGATION	47	N	5	E
11	SESW	12	39.7	ACRES IRRIGATION	47	N	5	E
14	SWNE	12	0.2	ACRES IRRIGATION	47	N	5	E
17	SWNE	12	29.6	ACRES IRRIGATION	47	N	5	E
	SWNW	12	37.1	ACRES IRRIGATION	47	N	5	E
	SWSE	12	39.1	ACRES IRRIGATION	47	N	5	E
	SWSW	12	35.2	ACRES IRRIGATION	47	N	5	E
1	NENE	13	45.4	ACRES IRRIGATION	47	N	5	E
	NENW	13	36	ACRES IRRIGATION	47	N	5	E
3	NESE	13	44	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	13	38.3	ACRES IRRIGATION	47	N	5	E
	NWNE	13	35.7	ACRES IRRIGATION	47	N	5	E
	NWNW	13	33.9	ACRES IRRIGATION	47	N	5	E
	NWSE	13	38.3	ACRES IRRIGATION	47	N	5	E
	NWSW	13	36.2	ACRES IRRIGATION	47	N	5	E
2	SENE	13	44.9	ACRES IRRIGATION	47	N	5	E
	SENW	13	36.9	ACRES IRRIGATION	47	N	5	E
4	SESE	13	44	ACRES IRRIGATION	47	N	5	E
	SESW	13	37.3	ACRES IRRIGATION	47	N	5	E
	SWNE	13	37.4	ACRES IRRIGATION	47	N	5	E
	SWNW	13	35.2	ACRES IRRIGATION	47	N	5	E
	SWSE	13	39.1	ACRES IRRIGATION	47	N	5	E
	SWSW	13	34.4	ACRES IRRIGATION	47	N	5	E
	NENE	14	36	ACRES IRRIGATION	47	N	5	E
	NENW	14	36.8	ACRES IRRIGATION	47	N	5	E
	NESE	14	37.5	ACRES IRRIGATION	47	N	5	E
	NESW	14	36.5	ACRES IRRIGATION	47	N	5	E
	NWNE	14	34.2	ACRES IRRIGATION	47	N	5	E
	NWNW	14	35.2	ACRES IRRIGATION	47	N	5	E
	NWSE	14	36.2	ACRES IRRIGATION	47	N	5	E
	NWSW	14	36.5	ACRES IRRIGATION	47	N	5	E
	SENE	14	35.7	ACRES IRRIGATION	47	N	5	E
	SENW	14	36.3	ACRES IRRIGATION	47	N	5	E
	SESE	14	36.2	ACRES IRRIGATION	47	N	5	E
	SESW	14	36.8	ACRES IRRIGATION	47	N	5	E
	SWNE	14	35.4	ACRES IRRIGATION	47	N	5	E
	SWNW	14	35.7	ACRES IRRIGATION	47	N	5	E
	SWSE	14	35.6	ACRES IRRIGATION	47	N	5	E
	SWSW	14	35.1	ACRES IRRIGATION	47	N	5	E
1	NENE	15	36.6	ACRES IRRIGATION	47	N	5	E
3	NENW	15	37.2	ACRES IRRIGATION	47	N	5	E
	NESE	15	35.1	ACRES IRRIGATION	47	N	5	E
	NESW	15	36.3	ACRES IRRIGATION	47	N	5	E
2	NWNE	15	36.8	ACRES IRRIGATION	47	N	5	E
5	NWNW	15	14	ACRES IRRIGATION	47	N	5	E
	NWNW	15	17.5	ACRES IRRIGATION	47	N	5	E
	NWSE	15	36.2	ACRES IRRIGATION	47	N	5	E
	NWSW	15	35.9	ACRES IRRIGATION	47	N	5	E
	SENE	15	35.5	ACRES IRRIGATION	47	N	5	E
	SENW	15	36.5	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	15	36.3	ACRES IRRIGATION	47	N	5	E
	SESW	15	37	ACRES IRRIGATION	47	N	5	E
	SWNE	15	37	ACRES IRRIGATION	47	N	5	E
	SWNW	15	35.1	ACRES IRRIGATION	47	N	5	E
	SWSE	15	36.3	ACRES IRRIGATION	47	N	5	E
	SWSW	15	36.1	ACRES IRRIGATION	47	N	5	E
	NENE	16	34.4	ACRES IRRIGATION	47	N	5	E
	NENW	16	33.6	ACRES IRRIGATION	47	N	5	E
	NESE	16	35.2	ACRES IRRIGATION	47	N	5	E
1	NESW	16	33.9	ACRES IRRIGATION	47	N	5	E
	NWNE	16	37.1	ACRES IRRIGATION	47	N	5	E
	NWNW	16	33.5	ACRES IRRIGATION	47	N	5	E
	NWSE	16	35.8	ACRES IRRIGATION	47	N	5	E
2	NWSW	16	33.5	ACRES IRRIGATION	47	N	5	E
	SENE	16	34.2	ACRES IRRIGATION	47	N	5	E
	SENW	16	34.2	ACRES IRRIGATION	47	N	5	E
	SESE	16	37	ACRES IRRIGATION	47	N	5	E
1	SESW	16	31.2	ACRES IRRIGATION	47	N	5	E
	SWNE	16	36.3	ACRES IRRIGATION	47	N	5	E
	SWNW	16	34.5	ACRES IRRIGATION	47	N	5	E
	SWSE	16	35.7	ACRES IRRIGATION	47	N	5	E
2	SWSW	16	5.3	ACRES IRRIGATION	47	N	5	E
3	SWSW	16	16.5	ACRES IRRIGATION	47	N	5	E
	NENE	17	36.9	ACRES IRRIGATION	47	N	5	E
5	NENW	17	4.9	ACRES IRRIGATION	47	N	5	E
2	NENW	17	27.3	ACRES IRRIGATION	47	N	5	E
11	NESE	17	2.2	ACRES IRRIGATION	47	N	5	E
18	NESE	17	9.3	ACRES IRRIGATION	47	N	5	E
9	NESE	17	13.5	ACRES IRRIGATION	47	N	5	E
16	NESW	17	10.7	ACRES IRRIGATION	47	N	5	E
13	NESW	17	29.8	ACRES IRRIGATION	47	N	5	E
1	NWNE	17	36.9	ACRES IRRIGATION	47	N	5	E
3	NWNW	17	1.2	ACRES IRRIGATION	47	N	5	E
5	NWNW	17	8.2	ACRES IRRIGATION	47	N	5	E
4	NWNW	17	22.2	ACRES IRRIGATION	47	N	5	E
12	NWSE	17	0.8	ACRES IRRIGATION	47	N	5	E
18	NWSE	17	2.3	ACRES IRRIGATION	47	N	5	E
11	NWSE	17	36.3	ACRES IRRIGATION	47	N	5	E
14	NWSW	17	13	ACRES IRRIGATION	47	N	5	E
13	NWSW	17	17.8	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	17	35.9	ACRES IRRIGATION	47	N	5	E
2	SENW	17	0.4	ACRES IRRIGATION	47	N	5	E
5	SENW	17	12.4	ACRES IRRIGATION	47	N	5	E
6	SENW	17	24.3	ACRES IRRIGATION	47	N	5	E
19	SESE	17	14.4	ACRES IRRIGATION	47	N	5	E
18	SESE	17	24.3	ACRES IRRIGATION	47	N	5	E
17	SESW	17	0.9	ACRES IRRIGATION	47	N	5	E
13	SESW	17	2.1	ACRES IRRIGATION	47	N	5	E
16	SESW	17	25.3	ACRES IRRIGATION	47	N	5	E
8	SWNE	17	2	ACRES IRRIGATION	47	N	5	E
7	SWNE	17	6.8	ACRES IRRIGATION	47	N	5	E
1	SWNE	17	19.4	ACRES IRRIGATION	47	N	5	E
6	SWNW	17	0.4	ACRES IRRIGATION	47	N	5	E
4	SWNW	17	2.3	ACRES IRRIGATION	47	N	5	E
5	SWNW	17	36.6	ACRES IRRIGATION	47	N	5	E
11	SWSE	17	10.1	ACRES IRRIGATION	47	N	5	E
18	SWSE	17	29.9	ACRES IRRIGATION	47	N	5	E
13	SWSW	17	1.7	ACRES IRRIGATION	47	N	5	E
14	NENE	18	17	ACRES IRRIGATION	47	N	5	E
15	NENE	18	23.2	ACRES IRRIGATION	47	N	5	E
8	NENW	18	7.7	ACRES IRRIGATION	47	N	5	E
12	NESE	18	3.1	ACRES IRRIGATION	47	N	5	E
7	NWNE	18	6.1	ACRES IRRIGATION	47	N	5	E
13	NWNE	18	29.5	ACRES IRRIGATION	47	N	5	E
16	SENE	18	6.2	ACRES IRRIGATION	47	N	5	E
17	SENE	18	26.8	ACRES IRRIGATION	47	N	5	E
18	SWNE	18	2.4	ACRES IRRIGATION	47	N	5	E
13	SWNE	18	2.6	ACRES IRRIGATION	47	N	5	E
2	NENE	20	0.9	ACRES IRRIGATION	47	N	5	E
1	NENE	20	37.5	ACRES IRRIGATION	47	N	5	E
3	NENW	20	0.6	ACRES IRRIGATION	47	N	5	E
1	NWNE	20	6.7	ACRES IRRIGATION	47	N	5	E
2	NWNE	20	17.1	ACRES IRRIGATION	47	N	5	E
1	SENE	20	17.9	ACRES IRRIGATION	47	N	5	E
1	NENE	21	37.1	ACRES IRRIGATION	47	N	5	E
3	NENW	21	2.1	ACRES IRRIGATION	47	N	5	E
4	NENW	21	23.6	ACRES IRRIGATION	47	N	5	E
8	NESE	21	29.3	ACRES IRRIGATION	47	N	5	E
	NESW	21	34.6	ACRES IRRIGATION	47	N	5	E
5	NWNE	21	1	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
2	NWNE	21	25.7	ACRES IRRIGATION	47	N	5	E
	NWNW	21	30.2	ACRES IRRIGATION	47	N	5	E
	NWSE	21	35.7	ACRES IRRIGATION	47	N	5	E
	NWSW	21	29.5	ACRES IRRIGATION	47	N	5	E
6	SENE	21	0.7	ACRES IRRIGATION	47	N	5	E
1	SENE	21	16.3	ACRES IRRIGATION	47	N	5	E
4	SENW	21	33.6	ACRES IRRIGATION	47	N	5	E
8	SESE	21	36.6	ACRES IRRIGATION	47	N	5	E
	SESW	21	33.7	ACRES IRRIGATION	47	N	5	E
2	SWNE	21	0.1	ACRES IRRIGATION	47	N	5	E
5	SWNE	21	27.8	ACRES IRRIGATION	47	N	5	E
	SWNW	21	28.2	ACRES IRRIGATION	47	N	5	E
	SWSE	21	36.7	ACRES IRRIGATION	47	N	5	E
	SWSW	21	28.7	ACRES IRRIGATION	47	N	5	E
	NENE	22	35.6	ACRES IRRIGATION	47	N	5	E
	NENW	22	37	ACRES IRRIGATION	47	N	5	E
	NESE	22	36.3	ACRES IRRIGATION	47	N	5	E
2	NESW	22	37.2	ACRES IRRIGATION	47	N	5	E
	NWNE	22	36.2	ACRES IRRIGATION	47	N	5	E
	NWNW	22	36.1	ACRES IRRIGATION	47	N	5	E
1	NWSE	22	36	ACRES IRRIGATION	47	N	5	E
4	NWSW	22	11.9	ACRES IRRIGATION	47	N	5	E
3	NWSW	22	14.8	ACRES IRRIGATION	47	N	5	E
	SENE	22	34.4	ACRES IRRIGATION	47	N	5	E
	SENW	22	35	ACRES IRRIGATION	47	N	5	E
	SESE	22	36.8	ACRES IRRIGATION	47	N	5	E
2	SESW	22	11.3	ACRES IRRIGATION	47	N	5	E
5	SESW	22	19.2	ACRES IRRIGATION	47	N	5	E
	SWNE	22	34.8	ACRES IRRIGATION	47	N	5	E
	SWNW	22	34.1	ACRES IRRIGATION	47	N	5	E
6	SWSE	22	0.1	ACRES IRRIGATION	47	N	5	E
1	SWSE	22	34.8	ACRES IRRIGATION	47	N	5	E
4	SWSW	22	37.8	ACRES IRRIGATION	47	N	5	E
	NENE	23	35.8	ACRES IRRIGATION	47	N	5	E
	NENW	23	37.2	ACRES IRRIGATION	47	N	5	E
16	NESE	23	17.8	ACRES IRRIGATION	47	N	5	E
3	NESW	23	38.6	ACRES IRRIGATION	47	N	5	E
	NWNE	23	36.6	ACRES IRRIGATION	47	N	5	E
	NWNW	23	37	ACRES IRRIGATION	47	N	5	E
7	NWSE	23	36	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
4	NWSW	23	38.6	ACRES IRRIGATION	47	N	5	E
	SENE	23	35.2	ACRES IRRIGATION	47	N	5	E
	SENW	23	36.3	ACRES IRRIGATION	47	N	5	E
15	SESE	23	27.7	ACRES IRRIGATION	47	N	5	E
6	SESW	23	24.5	ACRES IRRIGATION	47	N	5	E
	SWNE	23	35.8	ACRES IRRIGATION	47	N	5	E
	SWNW	23	37.2	ACRES IRRIGATION	47	N	5	E
7	SWSE	23	2.9	ACRES IRRIGATION	47	N	5	E
5	SWSW	23	39.9	ACRES IRRIGATION	47	N	5	E
4	NENE	24	43	ACRES IRRIGATION	47	N	5	E
	NENW	24	36.8	ACRES IRRIGATION	47	N	5	E
7	NESE	24	32.5	ACRES IRRIGATION	47	N	5	E
	NESW	24	36.1	ACRES IRRIGATION	47	N	5	E
	NWNE	24	39.1	ACRES IRRIGATION	47	N	5	E
	NWNW	24	37.1	ACRES IRRIGATION	47	N	5	E
	NWSE	24	34.8	ACRES IRRIGATION	47	N	5	E
16	NWSW	24	1.4	ACRES IRRIGATION	47	N	5	E
10	NWSW	24	32.8	ACRES IRRIGATION	47	N	5	E
5	SENE	24	40.3	ACRES IRRIGATION	47	N	5	E
	SENW	24	37.5	ACRES IRRIGATION	47	N	5	E
7	SESE	24	3.6	ACRES IRRIGATION	47	N	5	E
13	SESE	24	4.2	ACRES IRRIGATION	47	N	5	E
16	SESW	24	4	ACRES IRRIGATION	47	N	5	E
9	SESW	24	7.6	ACRES IRRIGATION	47	N	5	E
12	SESW	24	21.8	ACRES IRRIGATION	47	N	5	E
	SWNE	24	38	ACRES IRRIGATION	47	N	5	E
	SWNW	24	36.1	ACRES IRRIGATION	47	N	5	E
8	SWSE	24	6.6	ACRES IRRIGATION	47	N	5	E
13	SWSE	24	28.5	ACRES IRRIGATION	47	N	5	E
10	SWSW	24	0.8	ACRES IRRIGATION	47	N	5	E
16	SWSW	24	31.4	ACRES IRRIGATION	47	N	5	E
20	NENW	25	9	ACRES IRRIGATION	47	N	5	E
28	NENW	25	15.2	ACRES IRRIGATION	47	N	5	E
	NESE	25	23.3	ACRES IRRIGATION	47	N	5	E
31	NESW	25	13.9	ACRES IRRIGATION	47	N	5	E
19	NWNE	25	14.9	ACRES IRRIGATION	47	N	5	E
	NWNW	25	29.6	ACRES IRRIGATION	47	N	5	E
3	NWSE	25	3.7	ACRES IRRIGATION	47	N	5	E
29	SENW	25	0.3	ACRES IRRIGATION	47	N	5	E
30	SENW	25	6.9	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
7	SESE	25	20.5	ACRES IRRIGATION	47	N	5	E
24	SESW	25	1.2	ACRES IRRIGATION	47	N	5	E
8	SWNE	25	2	ACRES IRRIGATION	47	N	5	E
	SWNW	25	2	ACRES IRRIGATION	47	N	5	E
6	SWSE	25	6.4	ACRES IRRIGATION	47	N	5	E
23	SWSW	25	2.4	ACRES IRRIGATION	47	N	5	E
	NENE	26	4.3	ACRES IRRIGATION	47	N	5	E
20	NWNW	26	16	ACRES IRRIGATION	47	N	5	E
20	NENE	27	30.6	ACRES IRRIGATION	47	N	5	E
10	NENW	27	39.1	ACRES IRRIGATION	47	N	5	E
18	NWNE	27	6	ACRES IRRIGATION	47	N	5	E
24	NWNE	27	20.7	ACRES IRRIGATION	47	N	5	E
11	NWNW	27	38	ACRES IRRIGATION	47	N	5	E
31	NWSW	27	11.6	ACRES IRRIGATION	47	N	5	E
28	SENW	27	18.6	ACRES IRRIGATION	47	N	5	E
27	SWNE	27	0.7	ACRES IRRIGATION	47	N	5	E
32	SWNW	27	38.3	ACRES IRRIGATION	47	N	5	E
1	NENE	28	39.1	ACRES IRRIGATION	47	N	5	E
3	NENW	28	40.1	ACRES IRRIGATION	47	N	5	E
5	NESE	28	35.5	ACRES IRRIGATION	47	N	5	E
	NESW	28	36.6	ACRES IRRIGATION	47	N	5	E
2	NWNE	28	39.3	ACRES IRRIGATION	47	N	5	E
4	NWNW	28	31.5	ACRES IRRIGATION	47	N	5	E
	NWSE	28	37.1	ACRES IRRIGATION	47	N	5	E
	NWSW	28	29.5	ACRES IRRIGATION	47	N	5	E
	SENE	28	39.1	ACRES IRRIGATION	47	N	5	E
	SENW	28	40	ACRES IRRIGATION	47	N	5	E
5	SESE	28	19.5	ACRES IRRIGATION	47	N	5	E
	SESW	28	40	ACRES IRRIGATION	47	N	5	E
	SWNE	28	40	ACRES IRRIGATION	47	N	5	E
	SWNW	28	31.5	ACRES IRRIGATION	47	N	5	E
	SWSE	28	40	ACRES IRRIGATION	47	N	5	E
	SWSW	28	31.5	ACRES IRRIGATION	47	N	5	E
19	NENE	33	1.4	ACRES IRRIGATION	47	N	5	E
15	NENW	33	31.8	ACRES IRRIGATION	47	N	5	E
20	NWNE	33	6.4	ACRES IRRIGATION	47	N	5	E
10	NWNW	33	29	ACRES IRRIGATION	47	N	5	E
23	NWSW	33	0.5	ACRES IRRIGATION	47	N	5	E
15	SENW	33	1.3	ACRES IRRIGATION	47	N	5	E
25	SESW	33	14.7	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
16	SWNW	33	11	ACRES IRRIGATION	47	N	5	E
14	SWSE	33	2.4	ACRES IRRIGATION	47	N	5	E
23	SWSW	33	21	ACRES IRRIGATION	47	N	5	E
9	NESE	34	1.1	ACRES IRRIGATION	47	N	5	E
10	SESE	34	24	ACRES IRRIGATION	47	N	5	E
16	NENE	35	0.6	ACRES IRRIGATION	47	N	5	E
17	NENE	35	6.8	ACRES IRRIGATION	47	N	5	E
13	NENE	35	23.9	ACRES IRRIGATION	47	N	5	E
11	NENW	35	9.1	ACRES IRRIGATION	47	N	5	E
	NESE	35	39.6	ACRES IRRIGATION	47	N	5	E
14	NESW	35	36.5	ACRES IRRIGATION	47	N	5	E
12	NWNE	35	25.2	ACRES IRRIGATION	47	N	5	E
	NWSE	35	37.8	ACRES IRRIGATION	47	N	5	E
14	NWSW	35	38.4	ACRES IRRIGATION	47	N	5	E
13	SENE	35	36.6	ACRES IRRIGATION	47	N	5	E
11	SENW	35	35.3	ACRES IRRIGATION	47	N	5	E
	SESE	35	38.4	ACRES IRRIGATION	47	N	5	E
	SESW	35	35.8	ACRES IRRIGATION	47	N	5	E
12	SWNE	35	39.8	ACRES IRRIGATION	47	N	5	E
11	SWNW	35	17.3	ACRES IRRIGATION	47	N	5	E
	SWSE	35	38	ACRES IRRIGATION	47	N	5	E
	SWSW	35	40	ACRES IRRIGATION	47	N	5	E
12	NENE	36	35.9	ACRES IRRIGATION	47	N	5	E
1	NENW	36	40	ACRES IRRIGATION	47	N	5	E
13	NESE	36	25	ACRES IRRIGATION	47	N	5	E
7	NESW	36	2.4	ACRES IRRIGATION	47	N	5	E
8	NESW	36	31.9	ACRES IRRIGATION	47	N	5	E
	NWNE	36	39.6	ACRES IRRIGATION	47	N	5	E
2	NWNW	36	38.4	ACRES IRRIGATION	47	N	5	E
9	NWSE	36	2.6	ACRES IRRIGATION	47	N	5	E
6	NWSE	36	23.8	ACRES IRRIGATION	47	N	5	E
	NWSW	36	38.2	ACRES IRRIGATION	47	N	5	E
	SENE	36	34.6	ACRES IRRIGATION	47	N	5	E
4	SENW	36	2.1	ACRES IRRIGATION	47	N	5	E
1	SENW	36	35.4	ACRES IRRIGATION	47	N	5	E
10	SESE	36	6.8	ACRES IRRIGATION	47	N	5	E
13	SESE	36	8.4	ACRES IRRIGATION	47	N	5	E
8	SESW	36	40	ACRES IRRIGATION	47	N	5	E
	SWNE	36	40	ACRES IRRIGATION	47	N	5	E
2	SWNW	36	6.3	ACRES IRRIGATION	47	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	SWNW	36	26	ACRES IRRIGATION	47	N	5	E
6	SWSE	36	1.3	ACRES IRRIGATION	47	N	5	E
9	SWSE	36	34.3	ACRES IRRIGATION	47	N	5	E
	SWSW	36	38	ACRES IRRIGATION	47	N	5	E
5	NENW	7	16.4	ACRES IRRIGATION	47	N	6	E
6	NWNW	7	33.1	ACRES IRRIGATION	47	N	6	E
13	NWSW	7	17.6	ACRES IRRIGATION	47	N	6	E
8	SENW	7	23.4	ACRES IRRIGATION	47	N	6	E
12	SWNW	7	2.7	ACRES IRRIGATION	47	N	6	E
11	SWNW	7	32	ACRES IRRIGATION	47	N	6	E
13	SWSW	7	16.9	ACRES IRRIGATION	47	N	6	E
9	NWNW	18	6.7	ACRES IRRIGATION	47	N	6	E
14	NWSW	18	11.6	ACRES IRRIGATION	47	N	6	E
12	SWNW	18	8.1	ACRES IRRIGATION	47	N	6	E
11	SWNW	18	9.9	ACRES IRRIGATION	47	N	6	E
15	SWSW	18	19.2	ACRES IRRIGATION	47	N	6	E
8	NWNW	19	4.2	ACRES IRRIGATION	47	N	6	E
9	NWNW	19	18.8	ACRES IRRIGATION	47	N	6	E
10	SWNW	19	9.8	ACRES IRRIGATION	47	N	6	E
12	SESE	30	7.9	ACRES IRRIGATION	47	N	6	E
14	SESW	30	1.8	ACRES IRRIGATION	47	N	6	E
15	SESW	30	19.5	ACRES IRRIGATION	47	N	6	E
13	SWSE	30	21.1	ACRES IRRIGATION	47	N	6	E
16	SWSW	30	12.1	ACRES IRRIGATION	47	N	6	E
2	NENE	31	10.2	ACRES IRRIGATION	47	N	6	E
7	NENE	31	33.8	ACRES IRRIGATION	47	N	6	E
4	NENW	31	9.9	ACRES IRRIGATION	47	N	6	E
5	NENW	31	40	ACRES IRRIGATION	47	N	6	E
	NESE	31	38.8	ACRES IRRIGATION	47	N	6	E
	NESW	31	40	ACRES IRRIGATION	47	N	6	E
3	NWNE	31	11.3	ACRES IRRIGATION	47	N	6	E
6	NWNE	31	39.2	ACRES IRRIGATION	47	N	6	E
8	NWNW	31	9.3	ACRES IRRIGATION	47	N	6	E
9	NWNW	31	39.9	ACRES IRRIGATION	47	N	6	E
	NWSE	31	40	ACRES IRRIGATION	47	N	6	E
11	NWSW	31	42	ACRES IRRIGATION	47	N	6	E
	SENE	31	35.3	ACRES IRRIGATION	47	N	6	E
	SENW	31	38.6	ACRES IRRIGATION	47	N	6	E
14	SESE	31	0.4	ACRES IRRIGATION	47	N	6	E
15	SESE	31	12.5	ACRES IRRIGATION	47	N	6	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
13	SESE	31	27.5	ACRES IRRIGATION	47	N	6	E
	SESW	31	40	ACRES IRRIGATION	47	N	6	E
	SWNE	31	38.2	ACRES IRRIGATION	47	N	6	E
10	SWNW	31	37.8	ACRES IRRIGATION	47	N	6	E
	SWSE	31	29.3	ACRES IRRIGATION	47	N	6	E
12	SWSW	31	35.2	ACRES IRRIGATION	47	N	6	E
8	NWSW	32	2.9	ACRES IRRIGATION	47	N	6	E
9	NWSW	32	13	ACRES IRRIGATION	47	N	6	E
5	SWNW	32	14.6	ACRES IRRIGATION	47	N	6	E
10	SWSW	32	8.9	ACRES IRRIGATION	47	N	6	E
1	NESE	13	16.3	ACRES IRRIGATION	48	N	3	E
3	NESW	13	16.3	ACRES IRRIGATION	48	N	3	E
2	NWSE	13	16.3	ACRES IRRIGATION	48	N	3	E
4	NWSW	13	11.3	ACRES IRRIGATION	48	N	3	E
	SESE	13	36.8	ACRES IRRIGATION	48	N	3	E
	SESW	13	39.7	ACRES IRRIGATION	48	N	3	E
	SWSE	13	39.7	ACRES IRRIGATION	48	N	3	E
	SWSW	13	27.2	ACRES IRRIGATION	48	N	3	E
1	NESE	14	16.4	ACRES IRRIGATION	48	N	3	E
3	NESW	14	2.2	ACRES IRRIGATION	48	N	3	E
2	NWSE	14	15.9	ACRES IRRIGATION	48	N	3	E
	SESE	14	30.6	ACRES IRRIGATION	48	N	3	E
	SWSE	14	11.7	ACRES IRRIGATION	48	N	3	E
1	NESE	15	10.6	ACRES IRRIGATION	48	N	3	E
2	NWSE	15	14.4	ACRES IRRIGATION	48	N	3	E
	SESE	15	38.8	ACRES IRRIGATION	48	N	3	E
	SWSE	15	38.9	ACRES IRRIGATION	48	N	3	E
	SWSW	17	2.1	ACRES IRRIGATION	48	N	3	E
	NESW	18	17.2	ACRES IRRIGATION	48	N	3	E
	NWSE	18	6.6	ACRES IRRIGATION	48	N	3	E
	NWSW	18	16.1	ACRES IRRIGATION	48	N	3	E
	SESE	18	27	ACRES IRRIGATION	48	N	3	E
	SESW	18	48	ACRES IRRIGATION	48	N	3	E
	SWSE	18	45.7	ACRES IRRIGATION	48	N	3	E
	SWSW	18	31.7	ACRES IRRIGATION	48	N	3	E
	NENE	19	39.2	ACRES IRRIGATION	48	N	3	E
	NENW	19	23	ACRES IRRIGATION	48	N	3	E
	NESE	19	30.3	ACRES IRRIGATION	48	N	3	E
	NWNE	19	39.2	ACRES IRRIGATION	48	N	3	E
	NWSE	19	1	ACRES IRRIGATION	48	N	3	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	19	40	ACRES IRRIGATION	48	N	3	E
	SENW	19	0.2	ACRES IRRIGATION	48	N	3	E
	SESE	19	4.4	ACRES IRRIGATION	48	N	3	E
	SWNE	19	27.2	ACRES IRRIGATION	48	N	3	E
	NENW	20	0.2	ACRES IRRIGATION	48	N	3	E
	NESE	20	18.7	ACRES IRRIGATION	48	N	3	E
	NESW	20	39.6	ACRES IRRIGATION	48	N	3	E
	NWNW	20	27.9	ACRES IRRIGATION	48	N	3	E
	NWSE	20	29.5	ACRES IRRIGATION	48	N	3	E
	NWSW	20	39	ACRES IRRIGATION	48	N	3	E
	SENW	20	23.6	ACRES IRRIGATION	48	N	3	E
	SESE	20	39.8	ACRES IRRIGATION	48	N	3	E
	SESW	20	39.8	ACRES IRRIGATION	48	N	3	E
	SWNW	20	39.8	ACRES IRRIGATION	48	N	3	E
	SWSE	20	39.8	ACRES IRRIGATION	48	N	3	E
	SWSW	20	36.8	ACRES IRRIGATION	48	N	3	E
	NESW	21	8.5	ACRES IRRIGATION	48	N	3	E
	NWSE	21	17.6	ACRES IRRIGATION	48	N	3	E
	NWSW	21	10.4	ACRES IRRIGATION	48	N	3	E
	SESE	21	34.8	ACRES IRRIGATION	48	N	3	E
	SESW	21	40	ACRES IRRIGATION	48	N	3	E
	SWSE	21	38.8	ACRES IRRIGATION	48	N	3	E
	SWSW	21	39.1	ACRES IRRIGATION	48	N	3	E
	NENE	22	40	ACRES IRRIGATION	48	N	3	E
	NWNE	22	31.2	ACRES IRRIGATION	48	N	3	E
	SENE	22	40	ACRES IRRIGATION	48	N	3	E
	SESW	22	35.3	ACRES IRRIGATION	48	N	3	E
	SWSE	22	2.7	ACRES IRRIGATION	48	N	3	E
	SWSW	22	31.7	ACRES IRRIGATION	48	N	3	E
	NESW	23	40	ACRES IRRIGATION	48	N	3	E
	SENW	23	31.8	ACRES IRRIGATION	48	N	3	E
	SESW	23	40	ACRES IRRIGATION	48	N	3	E
	SWSW	23	40	ACRES IRRIGATION	48	N	3	E
	NENE	24	40	ACRES IRRIGATION	48	N	3	E
	NENW	24	34.1	ACRES IRRIGATION	48	N	3	E
	NESE	24	5	ACRES IRRIGATION	48	N	3	E
	NWNE	24	37.3	ACRES IRRIGATION	48	N	3	E
	NWNW	24	16.2	ACRES IRRIGATION	48	N	3	E
	SESE	24	40	ACRES IRRIGATION	48	N	3	E
	SESW	24	11.9	ACRES IRRIGATION	48	N	3	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSE	24	37.6	ACRES IRRIGATION	48	N	3	E
5	NENE	25	0.8	ACRES IRRIGATION	48	N	3	E
1	NENE	25	31	ACRES IRRIGATION	48	N	3	E
	NWNE	25	15.7	ACRES IRRIGATION	48	N	3	E
2	SENE	25	13.3	ACRES IRRIGATION	48	N	3	E
5	SENE	25	13.4	ACRES IRRIGATION	48	N	3	E
	SWNE	25	11.2	ACRES IRRIGATION	48	N	3	E
	NENW	26	40	ACRES IRRIGATION	48	N	3	E
	NWNE	26	36.1	ACRES IRRIGATION	48	N	3	E
	NWNW	26	34.9	ACRES IRRIGATION	48	N	3	E
	NWSE	26	38	ACRES IRRIGATION	48	N	3	E
	NWSW	26	1.2	ACRES IRRIGATION	48	N	3	E
	SENW	26	14.9	ACRES IRRIGATION	48	N	3	E
	SESW	26	0.1	ACRES IRRIGATION	48	N	3	E
	SWNE	26	37.1	ACRES IRRIGATION	48	N	3	E
	SWSE	26	24.7	ACRES IRRIGATION	48	N	3	E
	SWSW	26	28.4	ACRES IRRIGATION	48	N	3	E
	NENW	27	38.5	ACRES IRRIGATION	48	N	3	E
	NESE	27	34.1	ACRES IRRIGATION	48	N	3	E
	NESW	27	35.2	ACRES IRRIGATION	48	N	3	E
	NWNE	27	18.2	ACRES IRRIGATION	48	N	3	E
	NWNW	27	38.5	ACRES IRRIGATION	48	N	3	E
	NWSE	27	38.6	ACRES IRRIGATION	48	N	3	E
	NWSW	27	36.5	ACRES IRRIGATION	48	N	3	E
	SENE	27	8.1	ACRES IRRIGATION	48	N	3	E
	SENW	27	39.7	ACRES IRRIGATION	48	N	3	E
	SESE	27	39.5	ACRES IRRIGATION	48	N	3	E
	SESW	27	39.7	ACRES IRRIGATION	48	N	3	E
	SWNE	27	39.2	ACRES IRRIGATION	48	N	3	E
	SWNW	27	39.8	ACRES IRRIGATION	48	N	3	E
	SWSE	27	39.9	ACRES IRRIGATION	48	N	3	E
	SWSW	27	39.7	ACRES IRRIGATION	48	N	3	E
	NENE	28	37.9	ACRES IRRIGATION	48	N	3	E
	NENW	28	40	ACRES IRRIGATION	48	N	3	E
	NESE	28	34	ACRES IRRIGATION	48	N	3	E
	NESW	28	38.1	ACRES IRRIGATION	48	N	3	E
	NWNE	28	38.5	ACRES IRRIGATION	48	N	3	E
	NWNW	28	39.6	ACRES IRRIGATION	48	N	3	E
	NWSE	28	35.2	ACRES IRRIGATION	48	N	3	E
	NWSW	28	36	ACRES IRRIGATION	48	N	3	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENE	28	38.2	ACRES IRRIGATION	48	N	3	E
	SENW	28	40	ACRES IRRIGATION	48	N	3	E
	SESE	28	39.8	ACRES IRRIGATION	48	N	3	E
	SESW	28	39.8	ACRES IRRIGATION	48	N	3	E
	SWNE	28	37.1	ACRES IRRIGATION	48	N	3	E
	SWNW	28	37.3	ACRES IRRIGATION	48	N	3	E
	SWSE	28	39.8	ACRES IRRIGATION	48	N	3	E
	SWSW	28	39.8	ACRES IRRIGATION	48	N	3	E
	NENE	29	39.3	ACRES IRRIGATION	48	N	3	E
	NENW	29	38.1	ACRES IRRIGATION	48	N	3	E
	NESE	29	34.8	ACRES IRRIGATION	48	N	3	E
	NWNE	29	38.9	ACRES IRRIGATION	48	N	3	E
	NWNW	29	10.7	ACRES IRRIGATION	48	N	3	E
	NWSE	29	26.6	ACRES IRRIGATION	48	N	3	E
	SENE	29	39.1	ACRES IRRIGATION	48	N	3	E
	SENW	29	18.4	ACRES IRRIGATION	48	N	3	E
	SESE	29	33.7	ACRES IRRIGATION	48	N	3	E
	SWNE	29	39.8	ACRES IRRIGATION	48	N	3	E
	SWSE	29	2.7	ACRES IRRIGATION	48	N	3	E
	NENE	32	7.5	ACRES IRRIGATION	48	N	3	E
	NENE	33	41	ACRES IRRIGATION	48	N	3	E
	NENW	33	41.2	ACRES IRRIGATION	48	N	3	E
	NESE	33	24.4	ACRES IRRIGATION	48	N	3	E
	NESW	33	26	ACRES IRRIGATION	48	N	3	E
	NWNE	33	42.1	ACRES IRRIGATION	48	N	3	E
	NWNW	33	38.7	ACRES IRRIGATION	48	N	3	E
	NWSE	33	40	ACRES IRRIGATION	48	N	3	E
	SENE	33	40.1	ACRES IRRIGATION	48	N	3	E
	SENW	33	39.1	ACRES IRRIGATION	48	N	3	E
	SESE	33	18.3	ACRES IRRIGATION	48	N	3	E
	SESW	33	2.7	ACRES IRRIGATION	48	N	3	E
	SWNE	33	39.6	ACRES IRRIGATION	48	N	3	E
	SWNW	33	11.9	ACRES IRRIGATION	48	N	3	E
	SWSE	33	34.3	ACRES IRRIGATION	48	N	3	E
	NENE	34	41.4	ACRES IRRIGATION	48	N	3	E
	NENW	34	41.4	ACRES IRRIGATION	48	N	3	E
	NESE	34	40	ACRES IRRIGATION	48	N	3	E
	NESW	34	40	ACRES IRRIGATION	48	N	3	E
	NWNE	34	41.4	ACRES IRRIGATION	48	N	3	E
	NWNW	34	41.4	ACRES IRRIGATION	48	N	3	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWSE	34	40	ACRES IRRIGATION	48	N	3	E
	NWSW	34	30	ACRES IRRIGATION	48	N	3	E
	SENE	34	40	ACRES IRRIGATION	48	N	3	E
	SENW	34	40	ACRES IRRIGATION	48	N	3	E
	SESE	34	40	ACRES IRRIGATION	48	N	3	E
	SESW	34	29.4	ACRES IRRIGATION	48	N	3	E
	SWNE	34	40	ACRES IRRIGATION	48	N	3	E
	SWNW	34	40	ACRES IRRIGATION	48	N	3	E
	SWSE	34	34.4	ACRES IRRIGATION	48	N	3	E
	SWSW	34	3.6	ACRES IRRIGATION	48	N	3	E
	NENE	35	2.8	ACRES IRRIGATION	48	N	3	E
	NENW	35	8.2	ACRES IRRIGATION	48	N	3	E
	NESW	35	0.7	ACRES IRRIGATION	48	N	3	E
	NWNE	35	37.6	ACRES IRRIGATION	48	N	3	E
	NWNW	35	40	ACRES IRRIGATION	48	N	3	E
	NWSE	35	9.4	ACRES IRRIGATION	48	N	3	E
	NWSW	35	33.5	ACRES IRRIGATION	48	N	3	E
	SENE	35	2.1	ACRES IRRIGATION	48	N	3	E
	SENW	35	8.3	ACRES IRRIGATION	48	N	3	E
	SWNE	35	36.1	ACRES IRRIGATION	48	N	3	E
	SWNW	35	40	ACRES IRRIGATION	48	N	3	E
	SWSW	35	15	ACRES IRRIGATION	48	N	3	E
1	SESE	13	39.2	ACRES IRRIGATION	48	N	4	E
3	SESW	13	42.8	ACRES IRRIGATION	48	N	4	E
5	SWSE	13	21.4	ACRES IRRIGATION	48	N	4	E
6	SWSE	13	22	ACRES IRRIGATION	48	N	4	E
4	SWSW	13	43.8	ACRES IRRIGATION	48	N	4	E
1	SESE	14	40.7	ACRES IRRIGATION	48	N	4	E
3	SESW	14	43.9	ACRES IRRIGATION	48	N	4	E
2	SWSE	14	45.8	ACRES IRRIGATION	48	N	4	E
4	SWSW	14	43.2	ACRES IRRIGATION	48	N	4	E
1	NESE	15	8	ACRES IRRIGATION	48	N	4	E
5	NESW	15	4.8	ACRES IRRIGATION	48	N	4	E
6	NESW	15	4.9	ACRES IRRIGATION	48	N	4	E
2	NWSE	15	8.6	ACRES IRRIGATION	48	N	4	E
4	NWSW	15	9	ACRES IRRIGATION	48	N	4	E
	SESE	15	39.1	ACRES IRRIGATION	48	N	4	E
	SESW	15	40	ACRES IRRIGATION	48	N	4	E
	SWSE	15	39	ACRES IRRIGATION	48	N	4	E
	SWSW	15	37.4	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
5	NESE	16	10.2	ACRES IRRIGATION	48	N	4	E
1	NESW	16	0.7	ACRES IRRIGATION	48	N	4	E
6	NWSE	16	4.2	ACRES IRRIGATION	48	N	4	E
2	NWSW	16	6	ACRES IRRIGATION	48	N	4	E
	SESE	16	38.7	ACRES IRRIGATION	48	N	4	E
4	SESW	16	4.7	ACRES IRRIGATION	48	N	4	E
3	SESW	16	19.8	ACRES IRRIGATION	48	N	4	E
	SWSE	16	34.6	ACRES IRRIGATION	48	N	4	E
	SWSW	16	39.2	ACRES IRRIGATION	48	N	4	E
1	NESE	17	10	ACRES IRRIGATION	48	N	4	E
3	NESW	17	14.2	ACRES IRRIGATION	48	N	4	E
2	NWSE	17	12.9	ACRES IRRIGATION	48	N	4	E
4	NWSW	17	14.6	ACRES IRRIGATION	48	N	4	E
	SESE	17	36.6	ACRES IRRIGATION	48	N	4	E
	SESW	17	34.8	ACRES IRRIGATION	48	N	4	E
	SWSE	17	39	ACRES IRRIGATION	48	N	4	E
	SWSW	17	39.5	ACRES IRRIGATION	48	N	4	E
5	NESE	18	10.8	ACRES IRRIGATION	48	N	4	E
7	NESW	18	4.5	ACRES IRRIGATION	48	N	4	E
6	NWSE	18	15.2	ACRES IRRIGATION	48	N	4	E
	SESE	18	36.9	ACRES IRRIGATION	48	N	4	E
8	SESW	18	30.4	ACRES IRRIGATION	48	N	4	E
	SWSE	18	37	ACRES IRRIGATION	48	N	4	E
	NENE	19	36.8	ACRES IRRIGATION	48	N	4	E
5	NENW	19	35.9	ACRES IRRIGATION	48	N	4	E
	NESE	19	36	ACRES IRRIGATION	48	N	4	E
7	NESW	19	32.6	ACRES IRRIGATION	48	N	4	E
	NWNE	19	39	ACRES IRRIGATION	48	N	4	E
	NWSE	19	39.5	ACRES IRRIGATION	48	N	4	E
3	NWSW	19	7.5	ACRES IRRIGATION	48	N	4	E
	SENE	19	36.2	ACRES IRRIGATION	48	N	4	E
6	SENW	19	33.2	ACRES IRRIGATION	48	N	4	E
	SESE	19	33.4	ACRES IRRIGATION	48	N	4	E
8	SESW	19	31.3	ACRES IRRIGATION	48	N	4	E
	SWNE	19	39.5	ACRES IRRIGATION	48	N	4	E
	SWSE	19	38.5	ACRES IRRIGATION	48	N	4	E
4	SWSW	19	27.1	ACRES IRRIGATION	48	N	4	E
	NENE	20	36.6	ACRES IRRIGATION	48	N	4	E
	NENW	20	37.8	ACRES IRRIGATION	48	N	4	E
	NESE	20	36.8	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESW	20	34.8	ACRES IRRIGATION	48	N	4	E
	NWNE	20	39	ACRES IRRIGATION	48	N	4	E
	NWNW	20	39.7	ACRES IRRIGATION	48	N	4	E
	NWSE	20	39.6	ACRES IRRIGATION	48	N	4	E
	NWSW	20	36.3	ACRES IRRIGATION	48	N	4	E
	SENE	20	33.1	ACRES IRRIGATION	48	N	4	E
	SENW	20	31	ACRES IRRIGATION	48	N	4	E
	SESE	20	36.1	ACRES IRRIGATION	48	N	4	E
	SESW	20	35	ACRES IRRIGATION	48	N	4	E
	SWNE	20	37.8	ACRES IRRIGATION	48	N	4	E
	SWNW	20	37.8	ACRES IRRIGATION	48	N	4	E
	SWSE	20	38.8	ACRES IRRIGATION	48	N	4	E
	SWSW	20	38.6	ACRES IRRIGATION	48	N	4	E
	NENE	21	38.8	ACRES IRRIGATION	48	N	4	E
2	NENW	21	21.5	ACRES IRRIGATION	48	N	4	E
5	NESE	21	13.4	ACRES IRRIGATION	48	N	4	E
	NESW	21	40	ACRES IRRIGATION	48	N	4	E
	NWNE	21	30.1	ACRES IRRIGATION	48	N	4	E
	NWNW	21	39.2	ACRES IRRIGATION	48	N	4	E
5	NWSE	21	1.2	ACRES IRRIGATION	48	N	4	E
4	NWSE	21	32.4	ACRES IRRIGATION	48	N	4	E
	NWSW	21	39.6	ACRES IRRIGATION	48	N	4	E
5	SENE	21	10.6	ACRES IRRIGATION	48	N	4	E
3	SENE	21	19.9	ACRES IRRIGATION	48	N	4	E
	SENW	21	37.3	ACRES IRRIGATION	48	N	4	E
	SESE	21	39.2	ACRES IRRIGATION	48	N	4	E
	SESW	21	39.1	ACRES IRRIGATION	48	N	4	E
5	SWNE	21	5.2	ACRES IRRIGATION	48	N	4	E
4	SWNE	21	8.5	ACRES IRRIGATION	48	N	4	E
3	SWNE	21	15.4	ACRES IRRIGATION	48	N	4	E
	SWNW	21	37.5	ACRES IRRIGATION	48	N	4	E
	SWSW	21	39.1	ACRES IRRIGATION	48	N	4	E
	NENE	22	38.2	ACRES IRRIGATION	48	N	4	E
	NENW	22	39.1	ACRES IRRIGATION	48	N	4	E
	NESE	22	33.2	ACRES IRRIGATION	48	N	4	E
	NESW	22	36.5	ACRES IRRIGATION	48	N	4	E
	NWNE	22	37.1	ACRES IRRIGATION	48	N	4	E
	NWNW	22	36.4	ACRES IRRIGATION	48	N	4	E
	NWSE	22	34.5	ACRES IRRIGATION	48	N	4	E
7	NWSW	22	13.8	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
6	NWSW	22	15.8	ACRES IRRIGATION	48	N	4	E
	SENE	22	37	ACRES IRRIGATION	48	N	4	E
	SENW	22	36.2	ACRES IRRIGATION	48	N	4	E
	SESE	22	37.6	ACRES IRRIGATION	48	N	4	E
	SESW	22	36.3	ACRES IRRIGATION	48	N	4	E
	SWNE	22	37.1	ACRES IRRIGATION	48	N	4	E
	SWNW	22	36.3	ACRES IRRIGATION	48	N	4	E
	SWSE	22	37	ACRES IRRIGATION	48	N	4	E
3	SWSW	22	1.2	ACRES IRRIGATION	48	N	4	E
5	SWSW	22	22.2	ACRES IRRIGATION	48	N	4	E
	NENE	23	37.2	ACRES IRRIGATION	48	N	4	E
	NENW	23	39.6	ACRES IRRIGATION	48	N	4	E
	NESE	23	38.4	ACRES IRRIGATION	48	N	4	E
	NESW	23	39.2	ACRES IRRIGATION	48	N	4	E
	NWNE	23	39.2	ACRES IRRIGATION	48	N	4	E
	NWNW	23	37.4	ACRES IRRIGATION	48	N	4	E
	NWSE	23	40	ACRES IRRIGATION	48	N	4	E
	NWSW	23	34	ACRES IRRIGATION	48	N	4	E
	SENE	23	35.1	ACRES IRRIGATION	48	N	4	E
	SENW	23	37.5	ACRES IRRIGATION	48	N	4	E
	SESE	23	36.9	ACRES IRRIGATION	48	N	4	E
	SESW	23	36.4	ACRES IRRIGATION	48	N	4	E
	SWNE	23	37.2	ACRES IRRIGATION	48	N	4	E
	SWNW	23	34.4	ACRES IRRIGATION	48	N	4	E
	SWSE	23	35.2	ACRES IRRIGATION	48	N	4	E
	SWSW	23	35.8	ACRES IRRIGATION	48	N	4	E
	NENE	24	37.6	ACRES IRRIGATION	48	N	4	E
	NENW	24	38.6	ACRES IRRIGATION	48	N	4	E
	NESE	24	37.5	ACRES IRRIGATION	48	N	4	E
	NESW	24	38.6	ACRES IRRIGATION	48	N	4	E
	NWNE	24	39.6	ACRES IRRIGATION	48	N	4	E
	NWNW	24	38.6	ACRES IRRIGATION	48	N	4	E
	NWSE	24	39.6	ACRES IRRIGATION	48	N	4	E
	NWSW	24	38.6	ACRES IRRIGATION	48	N	4	E
	SENE	24	35.1	ACRES IRRIGATION	48	N	4	E
	SENW	24	36.8	ACRES IRRIGATION	48	N	4	E
	SESE	24	31	ACRES IRRIGATION	48	N	4	E
	SESW	24	36.8	ACRES IRRIGATION	48	N	4	E
	SWNE	24	36	ACRES IRRIGATION	48	N	4	E
	SWNW	24	34.4	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSE	24	35.8	ACRES IRRIGATION	48	N	4	E
	SWSW	24	31.3	ACRES IRRIGATION	48	N	4	E
	NENE	25	36.8	ACRES IRRIGATION	48	N	4	E
	NENW	25	37.2	ACRES IRRIGATION	48	N	4	E
	NESE	25	37.6	ACRES IRRIGATION	48	N	4	E
	NESW	25	38.2	ACRES IRRIGATION	48	N	4	E
	NWNE	25	38.7	ACRES IRRIGATION	48	N	4	E
	NWNW	25	37.1	ACRES IRRIGATION	48	N	4	E
	NWSE	25	39.6	ACRES IRRIGATION	48	N	4	E
	NWSW	25	38.8	ACRES IRRIGATION	48	N	4	E
	SENE	25	37	ACRES IRRIGATION	48	N	4	E
	SENW	25	38.2	ACRES IRRIGATION	48	N	4	E
	SESE	25	35.7	ACRES IRRIGATION	48	N	4	E
	SESW	25	37.4	ACRES IRRIGATION	48	N	4	E
	SWNE	25	39.6	ACRES IRRIGATION	48	N	4	E
	SWNW	25	38.3	ACRES IRRIGATION	48	N	4	E
	SWSE	25	39.6	ACRES IRRIGATION	48	N	4	E
	SWSW	25	38.8	ACRES IRRIGATION	48	N	4	E
	NENE	26	38.3	ACRES IRRIGATION	48	N	4	E
	NENW	26	37.5	ACRES IRRIGATION	48	N	4	E
	NESE	26	39.2	ACRES IRRIGATION	48	N	4	E
	NESW	26	38.4	ACRES IRRIGATION	48	N	4	E
	NWNE	26	37.4	ACRES IRRIGATION	48	N	4	E
	NWNW	26	35.6	ACRES IRRIGATION	48	N	4	E
	NWSE	26	38.2	ACRES IRRIGATION	48	N	4	E
	NWSW	26	36.6	ACRES IRRIGATION	48	N	4	E
	SENE	26	39.2	ACRES IRRIGATION	48	N	4	E
	SENW	26	38.4	ACRES IRRIGATION	48	N	4	E
	SESE	26	39.2	ACRES IRRIGATION	48	N	4	E
	SESW	26	38.4	ACRES IRRIGATION	48	N	4	E
	SWNE	26	38.2	ACRES IRRIGATION	48	N	4	E
	SWNW	26	36.4	ACRES IRRIGATION	48	N	4	E
	SWSE	26	37.2	ACRES IRRIGATION	48	N	4	E
	SWSW	26	26.8	ACRES IRRIGATION	48	N	4	E
	NENE	27	37.2	ACRES IRRIGATION	48	N	4	E
	NENW	27	.36	ACRES IRRIGATION	48	N	4	E
	NESE	27	28.6	ACRES IRRIGATION	48	N	4	E
	NESW	27	37.6	ACRES IRRIGATION	48	N	4	E
	NWNE	27	34.2	ACRES IRRIGATION	48	N	4	E
3	NWNW	27	1.7	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
1	NWNW	27	21.3	ACRES IRRIGATION	48	N	4	E
	NWSE	27	36.8	ACRES IRRIGATION	48	N	4	E
6	NWSW	27	6.7	ACRES IRRIGATION	48	N	4	E
7	NWSW	27	13.5	ACRES IRRIGATION	48	N	4	E
	SENE	27	37.2	ACRES IRRIGATION	48	N	4	E
	SENW	27	39.1	ACRES IRRIGATION	48	N	4	E
	SESE	27	36.9	ACRES IRRIGATION	48	N	4	E
	SESW	27	38.7	ACRES IRRIGATION	48	N	4	E
	SWNE	27	31.5	ACRES IRRIGATION	48	N	4	E
4	SWNW	27	9.9	ACRES IRRIGATION	48	N	4	E
5	SWNW	27	16.4	ACRES IRRIGATION	48	N	4	E
	SWSE	27	36.8	ACRES IRRIGATION	48	N	4	E
9	SWSW	27	3.6	ACRES IRRIGATION	48	N	4	E
8	SWSW	27	13	ACRES IRRIGATION	48	N	4	E
	NENE	28	35.5	ACRES IRRIGATION	48	N	4	E
	NENW	28	35.5	ACRES IRRIGATION	48	N	4	E
	NESE	28	39	ACRES IRRIGATION	48	N	4	E
	NESW	28	38	ACRES IRRIGATION	48	N	4	E
	NWNE	28	34.8	ACRES IRRIGATION	48	N	4	E
	NWNW	28	32.3	ACRES IRRIGATION	48	N	4	E
	NWSE	28	38	ACRES IRRIGATION	48	N	4	E
	NWSW	28	36.6	ACRES IRRIGATION	48	N	4	E
	SENE	28	39	ACRES IRRIGATION	48	N	4	E
	SENW	28	36.9	ACRES IRRIGATION	48	N	4	E
	SESE	28	38.2	ACRES IRRIGATION	48	N	4	E
	SESW	28	35.9	ACRES IRRIGATION	48	N	4	E
	SWNE	28	38	ACRES IRRIGATION	48	N	4	E
	SWNW	28	33.3	ACRES IRRIGATION	48	N	4	E
	SWSE	28	38	ACRES IRRIGATION	48	N	4	E
	SWSW	28	36.6	ACRES IRRIGATION	48	N	4	E
	NENE	29	38.1	ACRES IRRIGATION	48	N	4	E
	NENW	29	35.9	ACRES IRRIGATION	48	N	4	E
	NESE	29	38.8	ACRES IRRIGATION	48	N	4	E
	NESW	29	39	ACRES IRRIGATION	48	N	4	E
	NWNE	29	35.2	ACRES IRRIGATION	48	N	4	E
	NWNW	29	31.5	ACRES IRRIGATION	48	N	4	E
	NWSE	29	36.8	ACRES IRRIGATION	48	N	4	E
	NWSW	29	38.2	ACRES IRRIGATION	48	N	4	E
	SENE	29	38.2	ACRES IRRIGATION	48	N	4	E
	SENW	29	39	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	29	38.8	ACRES IRRIGATION	48	N	4	E
	SESW	29	39	ACRES IRRIGATION	48	N	4	E
	SWNE	29	36.4	ACRES IRRIGATION	48	N	4	E
	SWNW	29	38.2	ACRES IRRIGATION	48	N	4	E
	SWSE	29	35.9	ACRES IRRIGATION	48	N	4	E
	SWSW	29	36.2	ACRES IRRIGATION	48	N	4	E
	NENE	30	39	ACRES IRRIGATION	48	N	4	E
1	NENW	30	0.1	ACRES IRRIGATION	48	N	4	E
2	NENW	30	24.4	ACRES IRRIGATION	48	N	4	E
	NESE	30	39	ACRES IRRIGATION	48	N	4	E
	NESW	30	38.3	ACRES IRRIGATION	48	N	4	E
	NWNE	30	39	ACRES IRRIGATION	48	N	4	E
2	NWNW	30	1.7	ACRES IRRIGATION	48	N	4	E
3	NWNW	30	2.4	ACRES IRRIGATION	48	N	4	E
1	NWNW	30	35.2	ACRES IRRIGATION	48	N	4	E
	NWSE	30	37	ACRES IRRIGATION	48	N	4	E
5	NWSW	30	39.1	ACRES IRRIGATION	48	N	4	E
	SENE	30	40	ACRES IRRIGATION	48	N	4	E
4	SENW	30	26.8	ACRES IRRIGATION	48	N	4	E
	SESE	30	39	ACRES IRRIGATION	48	N	4	E
	SESW	30	40	ACRES IRRIGATION	48	N	4	E
	SWNE	30	39	ACRES IRRIGATION	48	N	4	E
1	SWNW	30	0.6	ACRES IRRIGATION	48	N	4	E
3	SWNW	30	40.4	ACRES IRRIGATION	48	N	4	E
	SWSE	30	39	ACRES IRRIGATION	48	N	4	E
6	SWSW	30	10.4	ACRES IRRIGATION	48	N	4	E
7	SWSW	30	34.9	ACRES IRRIGATION	48	N	4	E
	NENE	31	39	ACRES IRRIGATION	48	N	4	E
	NENW	31	38.6	ACRES IRRIGATION	48	N	4	E
	NESE	31	38.6	ACRES IRRIGATION	48	N	4	E
	NESW	31	39	ACRES IRRIGATION	48	N	4	E
	NWNE	31	37.6	ACRES IRRIGATION	48	N	4	E
1	NWNW	31	1.8	ACRES IRRIGATION	48	N	4	E
6	NWNW	31	6.2	ACRES IRRIGATION	48	N	4	E
5	NWNW	31	35.7	ACRES IRRIGATION	48	N	4	E
	NWSE	31	38	ACRES IRRIGATION	48	N	4	E
10	NWSW	31	4.2	ACRES IRRIGATION	48	N	4	E
9	NWSW	31	39	ACRES IRRIGATION	48	N	4	E
	SENE	31	37.5	ACRES IRRIGATION	48	N	4	E
	SENW	31	38.5	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESE	31	38.6	ACRES IRRIGATION	48	N	4	E
	SESW	31	39.5	ACRES IRRIGATION	48	N	4	E
	SWNE	31	37	ACRES IRRIGATION	48	N	4	E
2	SWNW	31	2	ACRES IRRIGATION	48	N	4	E
7	SWNW	31	9.2	ACRES IRRIGATION	48	N	4	E
8	SWNW	31	36.7	ACRES IRRIGATION	48	N	4	E
	SWSE	31	38.6	ACRES IRRIGATION	48	N	4	E
11	SWSW	31	9.2	ACRES IRRIGATION	48	N	4	E
12	SWSW	31	39.5	ACRES IRRIGATION	48	N	4	E
	NENE	32	36.3	ACRES IRRIGATION	48	N	4	E
	NENW	32	37.5	ACRES IRRIGATION	48	N	4	E
	NESE	32	38.2	ACRES IRRIGATION	48	N	4	E
	NESW	32	38.4	ACRES IRRIGATION	48	N	4	E
	NWNE	32	35.2	ACRES IRRIGATION	48	N	4	E
	NWNW	32	35.4	ACRES IRRIGATION	48	N	4	E
	NWSE	32	35.6	ACRES IRRIGATION	48	N	4	E
	NWSW	32	37.9	ACRES IRRIGATION	48	N	4	E
	SENE	32	36.4	ACRES IRRIGATION	48	N	4	E
	SENW	32	38.2	ACRES IRRIGATION	48	N	4	E
	SESE	32	32	ACRES IRRIGATION	48	N	4	E
	SESW	32	38.2	ACRES IRRIGATION	48	N	4	E
	SWNE	32	34.8	ACRES IRRIGATION	48	N	4	E
	SWNW	32	36.7	ACRES IRRIGATION	48	N	4	E
	SWSE	32	36	ACRES IRRIGATION	48	N	4	E
	SWSW	32	37.7	ACRES IRRIGATION	48	N	4	E
	NENE	33	37	ACRES IRRIGATION	48	N	4	E
	NENW	33	35.2	ACRES IRRIGATION	48	N	4	E
1	NESE	33	29.8	ACRES IRRIGATION	48	N	4	E
	NESW	33	37.7	ACRES IRRIGATION	48	N	4	E
	NWNE	33	34.5	ACRES IRRIGATION	48	N	4	E
	NWNW	33	34	ACRES IRRIGATION	48	N	4	E
	NWSE	33	34.8	ACRES IRRIGATION	48	N	4	E
	NWSW	33	35.6	ACRES IRRIGATION	48	N	4	E
	SENE	33	38	ACRES IRRIGATION	48	N	4	E
	SENW	33	37.6	ACRES IRRIGATION	48	N	4	E
2	SESE	33	34	ACRES IRRIGATION	48	N	4	E
	SESW	33	38.6	ACRES IRRIGATION	48	N	4	E
	SWNE	33	36.6	ACRES IRRIGATION	48	N	4	E
	SWNW	33	35.2	ACRES IRRIGATION	48	N	4	E
	SWSE	33	38	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWSW	33	37.7	ACRES IRRIGATION	48	N	4	E
	NENE	34	35.3	ACRES IRRIGATION	48	N	4	E
	NENW	34	37.6	ACRES IRRIGATION	48	N	4	E
	NESE	34	38.2	ACRES IRRIGATION	48	N	4	E
	NESW	34	38.7	ACRES IRRIGATION	48	N	4	E
	NWNE	34	35.3	ACRES IRRIGATION	48	N	4	E
2	NWNW	34	6.3	ACRES IRRIGATION	48	N	4	E
1	NWNW	34	8.3	ACRES IRRIGATION	48	N	4	E
	NWSE	34	33	ACRES IRRIGATION	48	N	4	E
5	NWSW	34	16.7	ACRES IRRIGATION	48	N	4	E
	SENE	34	37	ACRES IRRIGATION	48	N	4	E
	SENW	34	37.1	ACRES IRRIGATION	48	N	4	E
	SESE	34	37.2	ACRES IRRIGATION	48	N	4	E
	SESW	34	36.7	ACRES IRRIGATION	48	N	4	E
	SWNE	34	34.8	ACRES IRRIGATION	48	N	4	E
3	SWNW	34	0.4	ACRES IRRIGATION	48	N	4	E
4	SWNW	34	12.5	ACRES IRRIGATION	48	N	4	E
	SWSE	34	33.9	ACRES IRRIGATION	48	N	4	E
6	SWSW	34	17.8	ACRES IRRIGATION	48	N	4	E
	NENE	35	39	ACRES IRRIGATION	48	N	4	E
	NENW	35	31.8	ACRES IRRIGATION	48	N	4	E
1	NESE	35	31.9	ACRES IRRIGATION	48	N	4	E
	NESW	35	11.8	ACRES IRRIGATION	48	N	4	E
	NWNE	35	36.5	ACRES IRRIGATION	48	N	4	E
	NWNW	35	33.9	ACRES IRRIGATION	48	N	4	E
	NWSE	35	2.1	ACRES IRRIGATION	48	N	4	E
	NWSW	35	35	ACRES IRRIGATION	48	N	4	E
	SENE	35	34.8	ACRES IRRIGATION	48	N	4	E
4	SESE	35	5	ACRES IRRIGATION	48	N	4	E
3	SESE	35	9	ACRES IRRIGATION	48	N	4	E
	SESW	35	5.6	ACRES IRRIGATION	48	N	4	E
	SWNE	35	14.6	ACRES IRRIGATION	48	N	4	E
	SWNW	35	33.8	ACRES IRRIGATION	48	N	4	E
	SWSE	35	7.2	ACRES IRRIGATION	48	N	4	E
	SWSW	35	34.2	ACRES IRRIGATION	48	N	4	E
	NENE	36	35.7	ACRES IRRIGATION	48	N	4	E
	NENW	36	35.2	ACRES IRRIGATION	48	N	4	E
	NESE	36	36.8	ACRES IRRIGATION	48	N	4	E
	NESW	36	35.4	ACRES IRRIGATION	48	N	4	E
	NWNE	36	39	ACRES IRRIGATION	48	N	4	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NWNW	36	38	ACRES IRRIGATION	48	N	4	E
	NWSE	36	37.6	ACRES IRRIGATION	48	N	4	E
	NWSW	36	33.4	ACRES IRRIGATION	48	N	4	E
	SENE	36	35.7	ACRES IRRIGATION	48	N	4	E
	SENW	36	34.2	ACRES IRRIGATION	48	N	4	E
	SESE	36	36.8	ACRES IRRIGATION	48	N	4	E
	SESW	36	36	ACRES IRRIGATION	48	N	4	E
	SWNE	36	36.7	ACRES IRRIGATION	48	N	4	E
	SWNW	36	36.6	ACRES IRRIGATION	48	N	4	E
	SWSE	36	37.6	ACRES IRRIGATION	48	N	4	E
1	SWSW	36	35.9	ACRES IRRIGATION	48	N	4	E
1	SESE	13	9.5	ACRES IRRIGATION	48	N	5	E
3	SESW	13	26.5	ACRES IRRIGATION	48	N	5	E
2	SWSE	13	24	ACRES IRRIGATION	48	N	5	E
4	SWSW	13	26.6	ACRES IRRIGATION	48	N	5	E
1	SESE	14	21.5	ACRES IRRIGATION	48	N	5	E
3	SESW	14	18.1	ACRES IRRIGATION	48	N	5	E
2	SWSE	14	21.4	ACRES IRRIGATION	48	N	5	E
5	SWSW	14	8	ACRES IRRIGATION	48	N	5	E
4	SWSW	14	16.8	ACRES IRRIGATION	48	N	5	E
1	SESE	15	1.5	ACRES IRRIGATION	48	N	5	E
2	SESE	15	25.6	ACRES IRRIGATION	48	N	5	E
9	SESW	15	0.6	ACRES IRRIGATION	48	N	5	E
6	SESW	15	25.1	ACRES IRRIGATION	48	N	5	E
3	SWSE	15	25.5	ACRES IRRIGATION	48	N	5	E
7	SWSW	15	2.2	ACRES IRRIGATION	48	N	5	E
8	SWSW	15	20.4	ACRES IRRIGATION	48	N	5	E
12	SESE	16	24.8	ACRES IRRIGATION	48	N	5	E
13	SESW	16	9.8	ACRES IRRIGATION	48	N	5	E
14	SESW	16	13.2	ACRES IRRIGATION	48	N	5	E
11	SWSE	16	19.8	ACRES IRRIGATION	48	N	5	E
9	SWSW	16	26.4	ACRES IRRIGATION	48	N	5	E
7	SESE	17	5.4	ACRES IRRIGATION	48	N	5	E
8	SESE	17	17.6	ACRES IRRIGATION	48	N	5	E
3	SESW	17	32.6	ACRES IRRIGATION	48	N	5	E
2	SWSE	17	30.5	ACRES IRRIGATION	48	N	5	E
4	SWSW	17	34.2	ACRES IRRIGATION	48	N	5	E
1	SESE	18	32.9	ACRES IRRIGATION	48	N	5	E
3	SESW	18	15.5	ACRES IRRIGATION	48	N	5	E
2	SWSE	18	34.6	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NENE	19	37.4	ACRES IRRIGATION	48	N	5	E
1	NENW	19	16.4	ACRES IRRIGATION	48	N	5	E
	NESE	19	37.6	ACRES IRRIGATION	48	N	5	E
3	NESW	19	16.4	ACRES IRRIGATION	48	N	5	E
	NWNE	19	37.6	ACRES IRRIGATION	48	N	5	E
	NWSE	19	38.4	ACRES IRRIGATION	48	N	5	E
	SENE	19	36	ACRES IRRIGATION	48	N	5	E
2	SENW	19	15	ACRES IRRIGATION	48	N	5	E
	SESE	19	35.5	ACRES IRRIGATION	48	N	5	E
4	SESW	19	12	ACRES IRRIGATION	48	N	5	E
	SWNE	19	38.4	ACRES IRRIGATION	48	N	5	E
	SWSE	19	37.4	ACRES IRRIGATION	48	N	5	E
	NENE	20	29.9	ACRES IRRIGATION	48	N	5	E
	NENW	20	37.2	ACRES IRRIGATION	48	N	5	E
	NESE	20	30.7	ACRES IRRIGATION	48	N	5	E
	NESW	20	37	ACRES IRRIGATION	48	N	5	E
	NWNE	20	37.6	ACRES IRRIGATION	48	N	5	E
	NWNW	20	37.8	ACRES IRRIGATION	48	N	5	E
	NWSE	20	37.6	ACRES IRRIGATION	48	N	5	E
	NWSW	20	32.3	ACRES IRRIGATION	48	N	5	E
	SENE	20	28.2	ACRES IRRIGATION	48	N	5	E
	SENW	20	37	ACRES IRRIGATION	48	N	5	E
	SESE	20	29.6	ACRES IRRIGATION	48	N	5	E
	SESW	20	36.1	ACRES IRRIGATION	48	N	5	E
	SWNE	20	37.6	ACRES IRRIGATION	48	N	5	E
	SWNW	20	36.1	ACRES IRRIGATION	48	N	5	E
	SWSE	20	36.8	ACRES IRRIGATION	48	N	5	E
	SWSW	20	36.6	ACRES IRRIGATION	48	N	5	E
	NENE	21	35.4	ACRES IRRIGATION	48	N	5	E
	NENW	21	37.4	ACRES IRRIGATION	48	N	5	E
	NESE	21	32	ACRES IRRIGATION	48	N	5	E
	NESW	21	38	ACRES IRRIGATION	48	N	5	E
	NWNE	21	33.7	ACRES IRRIGATION	48	N	5	E
	NWNW	21	38	ACRES IRRIGATION	48	N	5	E
	NWSE	21	32.8	ACRES IRRIGATION	48	N	5	E
	NWSW	21	35.8	ACRES IRRIGATION	48	N	5	E
	SENE	21	35.4	ACRES IRRIGATION	48	N	5	E
	SENW	21	38	ACRES IRRIGATION	48	N	5	E
	SESE	21	36.8	ACRES IRRIGATION	48	N	5	E
	SESW	21	38	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SWNE	21	34.4	ACRES IRRIGATION	48	N	5	E
	SWNW	21	36.7	ACRES IRRIGATION	48	N	5	E
	SWSE	21	33.5	ACRES IRRIGATION	48	N	5	E
	SWSW	21	38	ACRES IRRIGATION	48	N	5	E
1	NENE	22	36.3	ACRES IRRIGATION	48	N	5	E
2	NENW	22	7.2	ACRES IRRIGATION	48	N	5	E
3	NENW	22	23.6	ACRES IRRIGATION	48	N	5	E
8	NESE	22	13.3	ACRES IRRIGATION	48	N	5	E
15	NESE	22	17.8	ACRES IRRIGATION	48	N	5	E
	NESW	22	36.4	ACRES IRRIGATION	48	N	5	E
12	NWNE	22	1.1	ACRES IRRIGATION	48	N	5	E
11	NWNE	22	2.2	ACRES IRRIGATION	48	N	5	E
1	NWNE	22	32.1	ACRES IRRIGATION	48	N	5	E
	NWNW	22	36.4	ACRES IRRIGATION	48	N	5	E
16	NWSE	22	7.4	ACRES IRRIGATION	48	N	5	E
15	NWSE	22	28	ACRES IRRIGATION	48	N	5	E
	NWSW	22	35.6	ACRES IRRIGATION	48	N	5	E
14	SENE	22	3.8	ACRES IRRIGATION	48	N	5	E
5	SENE	22	31	ACRES IRRIGATION	48	N	5	E
	SENW	22	38	ACRES IRRIGATION	48	N	5	E
9	SESE	22	0.5	ACRES IRRIGATION	48	N	5	E
18	SESE	22	31.7	ACRES IRRIGATION	48	N	5	E
	SESW	22	35.4	ACRES IRRIGATION	48	N	5	E
13	SWNE	22	8.4	ACRES IRRIGATION	48	N	5	E
14	SWNE	22	28.2	ACRES IRRIGATION	48	N	5	E
	SWNW	22	36.4	ACRES IRRIGATION	48	N	5	E
17	SWSE	22	38.2	ACRES IRRIGATION	48	N	5	E
	SWSW	22	35.4	ACRES IRRIGATION	48	N	5	E
	NENE	23	38	ACRES IRRIGATION	48	N	5	E
5	NENW	23	13	ACRES IRRIGATION	48	N	5	E
1	NENW	23	20.3	ACRES IRRIGATION	48	N	5	E
9	NESE	23	12.8	ACRES IRRIGATION	48	N	5	E
3	NESE	23	23.6	ACRES IRRIGATION	48	N	5	E
	NESW	23	36.5	ACRES IRRIGATION	48	N	5	E
	NWNE	23	31	ACRES IRRIGATION	48	N	5	E
4	NWNW	23	38.7	ACRES IRRIGATION	48	N	5	E
3	NWSE	23	0.4	ACRES IRRIGATION	48	N	5	E
8	NWSE	23	37.6	ACRES IRRIGATION	48	N	5	E
	NWSW	23	39	ACRES IRRIGATION	48	N	5	E
	SENE	23	35.6	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
6	SENW	23	33.6	ACRES IRRIGATION	48	N	5	E
10	SESE	23	36.6	ACRES IRRIGATION	48	N	5	E
12	SESW	23	39.2	ACRES IRRIGATION	48	N	5	E
7	SWNE	23	14	ACRES IRRIGATION	48	N	5	E
2	SWNE	23	23	ACRES IRRIGATION	48	N	5	E
	SWNW	23	39.3	ACRES IRRIGATION	48	N	5	E
	SWSE	23	39	ACRES IRRIGATION	48	N	5	E
11	SWSW	23	1.8	ACRES IRRIGATION	48	N	5	E
12	SWSW	23	31.7	ACRES IRRIGATION	48	N	5	E
	NENE	24	5.1	ACRES IRRIGATION	48	N	5	E
	NENW	24	40	ACRES IRRIGATION	48	N	5	E
	NESE	24	5.7	ACRES IRRIGATION	48	N	5	E
	NESW	24	30.9	ACRES IRRIGATION	48	N	5	E
	NWNE	24	36.3	ACRES IRRIGATION	48	N	5	E
	NWNW	24	32.1	ACRES IRRIGATION	48	N	5	E
	NWSE	24	20.1	ACRES IRRIGATION	48	N	5	E
	NWSW	24	38.1	ACRES IRRIGATION	48	N	5	E
	SENW	24	35.6	ACRES IRRIGATION	48	N	5	E
	SESE	24	9.9	ACRES IRRIGATION	48	N	5	E
	SESW	24	34.6	ACRES IRRIGATION	48	N	5	E
	SWNE	24	28.4	ACRES IRRIGATION	48	N	5	E
	SWNW	24	34.5	ACRES IRRIGATION	48	N	5	E
	SWSE	24	18.3	ACRES IRRIGATION	48	N	5	E
2	SWSW	24	9.4	ACRES IRRIGATION	48	N	5	E
1	SWSW	24	21.8	ACRES IRRIGATION	48	N	5	E
	NENE	25	18.3	ACRES IRRIGATION	48	N	5	E
6	NENW	25	3	ACRES IRRIGATION	48	N	5	E
1	NENW	25	33.9	ACRES IRRIGATION	48	N	5	E
3	NESW	25	1.1	ACRES IRRIGATION	48	N	5	E
10	NESW	25	32.8	ACRES IRRIGATION	48	N	5	E
	NWNE	25	5.1	ACRES IRRIGATION	48	N	5	E
1	NWNW	25	1.9	ACRES IRRIGATION	48	N	5	E
6	NWNW	25	35.7	ACRES IRRIGATION	48	N	5	E
19	NWSE	25	2.1	ACRES IRRIGATION	48	N	5	E
4	NWSE	25	4.3	ACRES IRRIGATION	48	N	5	E
16	NWSW	25	1.7	ACRES IRRIGATION	48	N	5	E
15	NWSW	25	30.6	ACRES IRRIGATION	48	N	5	E
	SENE	25	16	ACRES IRRIGATION	48	N	5	E
2	SENW	25	10.7	ACRES IRRIGATION	48	N	5	E
7	SENW	25	25.5	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
13	SESW	25	34.7	ACRES IRRIGATION	48	N	5	E
	SWNE	25	3.9	ACRES IRRIGATION	48	N	5	E
8	SWNW	25	40	ACRES IRRIGATION	48	N	5	E
5	SWSE	25	2.4	ACRES IRRIGATION	48	N	5	E
20	SWSE	25	9	ACRES IRRIGATION	48	N	5	E
17	SWSW	25	12.7	ACRES IRRIGATION	48	N	5	E
18	SWSW	25	18.1	ACRES IRRIGATION	48	N	5	E
1	NENE	26	30.9	ACRES IRRIGATION	48	N	5	E
5	NENW	26	7.6	ACRES IRRIGATION	48	N	5	E
2	NENW	26	20.6	ACRES IRRIGATION	48	N	5	E
7	NESE	26	36.3	ACRES IRRIGATION	48	N	5	E
	NESW	26	31.6	ACRES IRRIGATION	48	N	5	E
6	NWNE	26	7.7	ACRES IRRIGATION	48	N	5	E
1	NWNE	26	21.6	ACRES IRRIGATION	48	N	5	E
9	NWNW	26	1	ACRES IRRIGATION	48	N	5	E
3	NWNW	26	6	ACRES IRRIGATION	48	N	5	E
10	NWNW	26	23.5	ACRES IRRIGATION	48	N	5	E
	NWSE	26	33.9	ACRES IRRIGATION	48	N	5	E
	NWSW	26	32.2	ACRES IRRIGATION	48	N	5	E
1	SENE	26	10.5	ACRES IRRIGATION	48	N	5	E
6	SENE	26	18.5	ACRES IRRIGATION	48	N	5	E
5	SENW	26	38.6	ACRES IRRIGATION	48	N	5	E
	SESE	26	35.6	ACRES IRRIGATION	48	N	5	E
	SESW	26	33.8	ACRES IRRIGATION	48	N	5	E
6	SWNE	26	37.5	ACRES IRRIGATION	48	N	5	E
9	SWNW	26	10.1	ACRES IRRIGATION	48	N	5	E
10	SWNW	26	22.8	ACRES IRRIGATION	48	N	5	E
	SWSE	26	32.4	ACRES IRRIGATION	48	N	5	E
	SWSW	26	35.9	ACRES IRRIGATION	48	N	5	E
	NENE	27	38	ACRES IRRIGATION	48	N	5	E
	NENW	27	36.4	ACRES IRRIGATION	48	N	5	E
	NESE	27	32	ACRES IRRIGATION	48	N	5	E
	NESW	27	33.6	ACRES IRRIGATION	48	N	5	E
	NWNE	27	39	ACRES IRRIGATION	48	N	5	E
	NWNW	27	36.4	ACRES IRRIGATION	48	N	5	E
	NWSE	27	33.2	ACRES IRRIGATION	48	N	5	E
	NWSW	27	35.3	ACRES IRRIGATION	48	N	5	E
	SENE	27	37.2	ACRES IRRIGATION	48	N	5	E
	SENW	27	34	ACRES IRRIGATION	48	N	5	E
	SESE	27	36.1	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SESW	27	38	ACRES IRRIGATION	48	N	5	E
	SWNE	27	36.7	ACRES IRRIGATION	48	N	5	E
	SWNW	27	34.5	ACRES IRRIGATION	48	N	5	E
	SWSE	27	36	ACRES IRRIGATION	48	N	5	E
	SWSW	27	38.8	ACRES IRRIGATION	48	N	5	E
	NENE	28	37.8	ACRES IRRIGATION	48	N	5	E
	NENW	28	38	ACRES IRRIGATION	48	N	5	E
	NESE	28	33.5	ACRES IRRIGATION	48	N	5	E
	NESW	28	36.1	ACRES IRRIGATION	48	N	5	E
	NWNE	28	34.2	ACRES IRRIGATION	48	N	5	E
	NWNW	28	38	ACRES IRRIGATION	48	N	5	E
	NWSE	28	32.4	ACRES IRRIGATION	48	N	5	E
	NWSW	28	38	ACRES IRRIGATION	48	N	5	E
	SENE	28	34.9	ACRES IRRIGATION	48	N	5	E
	SENW	28	35.5	ACRES IRRIGATION	48	N	5	E
	SESE	28	37	ACRES IRRIGATION	48	N	5	E
	SESW	28	35.3	ACRES IRRIGATION	48	N	5	E
	SWNE	28	33.2	ACRES IRRIGATION	48	N	5	E
	SWNW	28	38	ACRES IRRIGATION	48	N	5	E
	SWSE	28	37.6	ACRES IRRIGATION	48	N	5	E
	SWSW	28	35.4	ACRES IRRIGATION	48	N	5	E
	NENE	29	29.2	ACRES IRRIGATION	48	N	5	E
	NENW	29	32.8	ACRES IRRIGATION	48	N	5	E
	NESE	29	32.7	ACRES IRRIGATION	48	N	5	E
	NESW	29	36.6	ACRES IRRIGATION	48	N	5	E
	NWNE	29	33.7	ACRES IRRIGATION	48	N	5	E
	NWNW	29	36.1	ACRES IRRIGATION	48	N	5	E
	NWSE	29	35.5	ACRES IRRIGATION	48	N	5	E
	NWSW	29	38	ACRES IRRIGATION	48	N	5	E
	SENE	29	30.9	ACRES IRRIGATION	48	N	5	E
	SENW	29	36.6	ACRES IRRIGATION	48	N	5	E
	SESE	29	31.5	ACRES IRRIGATION	48	N	5	E
	SESW	29	35	ACRES IRRIGATION	48	N	5	E
	SWNE	29	36.1	ACRES IRRIGATION	48	N	5	E
	SWNW	29	35.9	ACRES IRRIGATION	48	N	5	E
	SWSE	29	34.9	ACRES IRRIGATION	48	N	5	E
	SWSW	29	37.3	ACRES IRRIGATION	48	N	5	E
	NENE	30	35.5	ACRES IRRIGATION	48	N	5	E
1	NENW	30	17.2	ACRES IRRIGATION	48	N	5	E
	NESE	30	37.6	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
3	NESW	30	15	ACRES IRRIGATION	48	N	5	E
	NWNE	30	37.4	ACRES IRRIGATION	48	N	5	E
	NWSE	30	39	ACRES IRRIGATION	48	N	5	E
	SENE	30	37.6	ACRES IRRIGATION	48	N	5	E
2	SENW	30	17.6	ACRES IRRIGATION	48	N	5	E
	SESE	30	36.8	ACRES IRRIGATION	48	N	5	E
4	SESW	30	17.2	ACRES IRRIGATION	48	N	5	E
	SWNE	30	39	ACRES IRRIGATION	48	N	5	E
	SWSE	30	38	ACRES IRRIGATION	48	N	5	E
	NENE	31	35.9	ACRES IRRIGATION	48	N	5	E
1	NENW	31	17.2	ACRES IRRIGATION	48	N	5	E
	NESE	31	36.4	ACRES IRRIGATION	48	N	5	E
3	NESW	31	18	ACRES IRRIGATION	48	N	5	E
	NWNE	31	38	ACRES IRRIGATION	48	N	5	E
	NWSE	31	39.2	ACRES IRRIGATION	48	N	5	E
	SENE	31	37	ACRES IRRIGATION	48	N	5	E
2	SENW	31	16.2	ACRES IRRIGATION	48	N	5	E
6	SESE	31	32.6	ACRES IRRIGATION	48	N	5	E
4	SESW	31	17.6	ACRES IRRIGATION	48	N	5	E
	SWNE	31	37	ACRES IRRIGATION	48	N	5	E
5	SWSE	31	37.1	ACRES IRRIGATION	48	N	5	E
	NENE	32	30.9	ACRES IRRIGATION	48	N	5	E
	NENW	32	34.6	ACRES IRRIGATION	48	N	5	E
	NESE	32	31.6	ACRES IRRIGATION	48	N	5	E
	NESW	32	37.6	ACRES IRRIGATION	48	N	5	E
	NWNE	32	35.2	ACRES IRRIGATION	48	N	5	E
	NWNW	32	35.4	ACRES IRRIGATION	48	N	5	E
	NWSE	32	38.2	ACRES IRRIGATION	48	N	5	E
	NWSW	32	39.2	ACRES IRRIGATION	48	N	5	E
	SENE	32	31.6	ACRES IRRIGATION	48	N	5	E
	SENW	32	37.5	ACRES IRRIGATION	48	N	5	E
6	SESE	32	8.5	ACRES IRRIGATION	48	N	5	E
5	SESE	32	20.4	ACRES IRRIGATION	48	N	5	E
2	SESW	32	33.3	ACRES IRRIGATION	48	N	5	E
	SWNE	32	36.2	ACRES IRRIGATION	48	N	5	E
	SWNW	32	38.4	ACRES IRRIGATION	48	N	5	E
3	SWSE	32	34.5	ACRES IRRIGATION	48	N	5	E
1	SWSW	32	35.1	ACRES IRRIGATION	48	N	5	E
	NENE	33	33	ACRES IRRIGATION	48	N	5	E
	NENW	33	35.7	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	NESE	33	38.1	ACRES IRRIGATION	48	N	5	E
	NESW	33	38.6	ACRES IRRIGATION	48	N	5	E
	NWNE	33	36.8	ACRES IRRIGATION	48	N	5	E
	NWNW	33	36.7	ACRES IRRIGATION	48	N	5	E
	NWSE	33	38.2	ACRES IRRIGATION	48	N	5	E
	NWSW	33	36.1	ACRES IRRIGATION	48	N	5	E
	SENE	33	37.2	ACRES IRRIGATION	48	N	5	E
	SENW	33	37	ACRES IRRIGATION	48	N	5	E
4	SESE	33	35.4	ACRES IRRIGATION	48	N	5	E
2	SESW	33	37	ACRES IRRIGATION	48	N	5	E
	SWNE	33	36.5	ACRES IRRIGATION	48	N	5	E
	SWNW	33	38	ACRES IRRIGATION	48	N	5	E
3	SWSE	33	36.1	ACRES IRRIGATION	48	N	5	E
6	SWSW	33	3.3	ACRES IRRIGATION	48	N	5	E
5	SWSW	33	28.4	ACRES IRRIGATION	48	N	5	E
1	NENE	34	38	ACRES IRRIGATION	48	N	5	E
3	NENW	34	37.8	ACRES IRRIGATION	48	N	5	E
	NESE	34	38	ACRES IRRIGATION	48	N	5	E
	NESW	34	38	ACRES IRRIGATION	48	N	5	E
2	NWNE	34	36	ACRES IRRIGATION	48	N	5	E
4	NWNW	34	35.9	ACRES IRRIGATION	48	N	5	E
	NWSE	34	36	ACRES IRRIGATION	48	N	5	E
	NWSW	34	38.7	ACRES IRRIGATION	48	N	5	E
	SENE	34	38	ACRES IRRIGATION	48	N	5	E
	SENW	34	37.9	ACRES IRRIGATION	48	N	5	E
8	SESE	34	33.5	ACRES IRRIGATION	48	N	5	E
6	SESW	34	35.9	ACRES IRRIGATION	48	N	5	E
	SWNE	34	36	ACRES IRRIGATION	48	N	5	E
	SWNW	34	38	ACRES IRRIGATION	48	N	5	E
7	SWSE	34	31.5	ACRES IRRIGATION	48	N	5	E
5	SWSW	34	35.4	ACRES IRRIGATION	48	N	5	E
	NENE	35	36.9	ACRES IRRIGATION	48	N	5	E
	NENW	35	37	ACRES IRRIGATION	48	N	5	E
	NESE	35	39	ACRES IRRIGATION	48	N	5	E
	NESW	35	37.8	ACRES IRRIGATION	48	N	5	E
	NWNE	35	37.6	ACRES IRRIGATION	48	N	5	E
	NWNW	35	37.8	ACRES IRRIGATION	48	N	5	E
	NWSE	35	37.4	ACRES IRRIGATION	48	N	5	E
	NWSW	35	38.2	ACRES IRRIGATION	48	N	5	E
	SENE	35	39	ACRES IRRIGATION	48	N	5	E

Gov Lot	Q/Q	Section	Acres	Use	Township		Range	
	SENW	35	36.4	ACRES IRRIGATION	48	N	5	E
4	SESE	35	33.7	ACRES IRRIGATION	48	N	5	E
2	SESW	35	33.8	ACRES IRRIGATION	48	N	5	E
	SWNE	35	37.6	ACRES IRRIGATION	48	N	5	E
	SWNW	35	35.5	ACRES IRRIGATION	48	N	5	E
3	SWSE	35	32.9	ACRES IRRIGATION	48	N	5	E
1	SWSW	35	34.2	ACRES IRRIGATION	48	N	5	E
6	NENW	36	38.9	ACRES IRRIGATION	48	N	5	E
5	NWNE	36	11	ACRES IRRIGATION	48	N	5	E
1	NWNE	36	14.8	ACRES IRRIGATION	48	N	5	E
12	NWNW	36	7	ACRES IRRIGATION	48	N	5	E
13	NWNW	36	25.1	ACRES IRRIGATION	48	N	5	E
20	NWSW	36	15.4	ACRES IRRIGATION	48	N	5	E
17	SENW	36	10.5	ACRES IRRIGATION	48	N	5	E
16	SENW	36	27.3	ACRES IRRIGATION	48	N	5	E
5	SWNE	36	2.1	ACRES IRRIGATION	48	N	5	E
18	SWNW	36	2.2	ACRES IRRIGATION	48	N	5	E
15	SWNW	36	6.2	ACRES IRRIGATION	48	N	5	E
14	SWNW	36	21.4	ACRES IRRIGATION	48	N	5	E
20	SWSW	36	12.8	ACRES IRRIGATION	48	N	5	E

10. For the required Pre-1909 elements the Department finds:

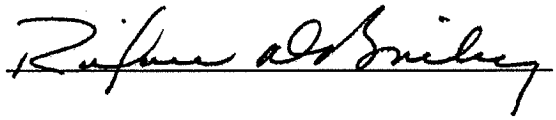
    a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

    b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use mapped by the Oregon Water Resources Department as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **294**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Fish & Wildlife Service
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation
Fish & Wildlife Service

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 1,107,908 acre feet from the entire drainage of the Klamath Basin in Oregon, constituting the entire drainage basins of the Klamath River and all of the lakes, streams, and rivers supplying water thereto or receiving water therefrom, including the following and all their tributaries; Upper Klamath Lake, Lower Klamath Lake, Tule or Rhett Lake, Little Klamath Lake, Lake Ewauna, Miller Lake, Dry Lake, Sprague River, Sycan River, Williamson River, Crooked River, Wood River, Link River, Seven Mile Creek, Klamath River, Three Mile Creek, Cherry Creek, Rock Creek, Four Mile Creek, and the slough or stream connecting Lower or Little Klamath Lake with Klamath River.

The claim is for: "The purposes for which water is used and claimed, as stated in the May, 19 1905 "Notice of Intention to Utilize all Waters of the Klamath Basin," are those provided for by the act of Congress approved June 17, 1902 (32 Stat. 388) known as the Reclamation Act, as amended and supplemented, including irrigation, reclamation, domestic and other authorized uses. In addition, if any of the lands identified in Item 7 (attached thereto) are not entitled to Project water, Reclamation would use the water for any authorized purpose."

4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is May 19, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as approved in the place of use listing in Item 9 below.

7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the storage system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the approved use in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS: Link River Dam NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Stored water in Upper Klamath Lake and Tule Lake Sump

AMOUNT ACTUALLY STORED: The claimant failed to provide sufficient information to calculate the capacity of the storage system.

PERIOD OF USE: January 1 - December 31 for storage
March 1 - October 31 for irrigation

PRIORITY DATE: May 19, 1905

USE OF STORED WATER: irrigation of 149,227.9 acres.

PLACE OF USE FOR IRRIGATION: Refer to the place of use tabulation in the Findings of Fact, Item #9, Claim #293.

10. For the required Pre-1909 elements the Department finds:

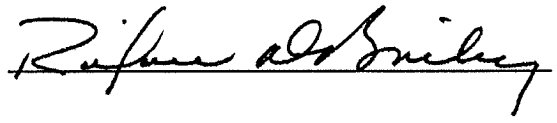
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **295**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is the United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for an unknown quantity of water from Klamath River, tributary to Pacific Ocean, for domestic, irrigation of 16,000 acres, and other authorized uses.

4. The claimed period of use is January 1 - December 31.

5. The claimed priority date is 1878.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. The record does not contain evidence that the use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **296**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is the United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for 20,000 miners inches of water from Klamath River, tributary to Pacific Ocean, for domestic, irrigation and other authorized uses.

4. The claimed period of use is January 1 - December 31.

5. The claimed priority date is 1882.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

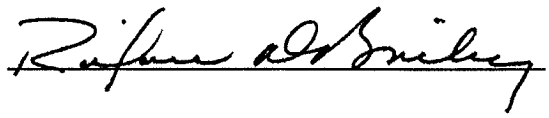
   a. The record does not contain evidence that the use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **297**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is the United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for 30,000 miners inches of water from Klamath River, tributary to Pacific Ocean, for domestic, irrigation and other authorized uses.

4. The claimed period of use is January 1 - December 31.

5. The claimed priority date is 1878.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. The record does not contain evidence that the use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **298**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is the United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for 50 cubic feet per second of water from Klamath River, tributary to Pacific Ocean, for domestic, irrigation and other authorized uses.

4. The claimed period of use is April 15 - November 1.

5. The claimed priority date is 1882.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

   a. The record does not contain evidence that the use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **299**
Pre-1909 claim

Current Claimant(s) of Record:

United States of America
Bureau of Reclamation
Klamath Basin Office
6600 Washburn Way
Klamath Falls, OR 97603

Original Claimant(s):

United States of America
Bureau of Reclamation

The general location of the claimed use is the United States Bureau of Reclamation Klamath Project.

This preliminary evaluation takes into consideration all information available as of August 1, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for 100,000 miners inches of water from Klamath River, tributary to Pacific Ocean, for domestic, irrigation and other authorized uses.

4. The claimed period of use is January 1 - December 31.

5. The claimed priority date is November 30, 1903.

FINDINGS OF FACT

6. For the required Pre-1909 elements the Department finds:

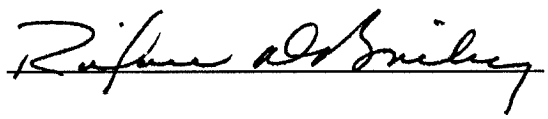
   a. The record does not contain evidence that the use of water, or construction of works for the application of water occurred prior to February 24, 1909.

   b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

CONCLUSION

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

SECTION V
BUR. OF IND. AFF.

KBA_APP_135114

including streams, marshes, lakes, riparian zones, seeps and springs; and vegetation of all types associated with the claimed water bodies in the Upper Klamath River Basin. March 1 BIA Letter at 1, 12, 18. Included with the March 1 BIA letter were data on which the claims are based and a narrative explanation of the relationship between the amounts claimed and the fishery, wildlife and vegetation the claims are designed to support.

As described by the BIA, the claims are designed to provide "the necessary habitat at all locations utilized by the treaty resources to ensure harvestable supplies of these resources for the Tribes." Letter dated March 26, 1999 to Dick Bailey, Administrator, Oregon Water Resources Department from David W. Harder, United States Department of Justice ("March 26 BIA letter") at 26. Briefly summarized, the claims are for seeps and springs within the national forests, water levels on Klamath Marsh, water levels on Upper Klamath Lake, and instream flows on rivers and streams within, bordering on, and originating off, but traversing, the former reservation. The seeps and springs claims are designed to provide habitat for birds and animals within the national forests. The marsh claim is designed to provide better habitat for waterfowl and to provide greater access to water for other animal species. The instream flow claims have three components, physical habitat maintenance, structural habitat maintenance and riparian habitat maintenance. Physical habitat maintenance claims are designed to protect the physical habitat used by fish within a stream. Structural habitat maintenance flow claims are designed to maintain the integrity and dynamic geomorphic stability of the channel. Riparian habitat maintenance flow claims are designed to maintain the riparian plant communities along the banks and floodplain of the stream. The Upper Klamath Lake claim is designed to enhance water quality for the target fish species, and to provide necessary habitat for fish populations. March 26 BIA Letter at 26-29.

II. Attributes of the Water Rights

a. The Adair Decision

In *Adair*, the court confirmed to the Tribes "a quantity of the water flowing through the reservation not only for the purpose of supporting Klamath agriculture, but also for the purpose of maintaining the Tribe's treaty right to hunt and fish on reservation lands." 723 F2d at 1410. The claimants also assert protection of a treaty gathering right. We do not think the *Adair* court confirmed such a right. The District Court decision clearly did not award claimants a water right to support their treaty gathering rights. *United States v. Adair*, 478 F Supp 336 (1979). In that proceeding the Tribes contended that they were entitled to enough water to "preserve the Marsh as a suitable wetlands habitat for fish and wildlife" and that the treaty reserved to the Tribes enough water flowing through reservation lands to preserve the lands "as suitable habitat for fish and wildlife." *Id.* at 342-343. Although the District Court described the Tribes' treaty rights as including gathering rights, it consistently referred to the water right as one to support the hunting and fishing right. *See id.*. at 345 ("the Indians are still entitled to as much water on the Reservation lands as they need to protect their hunting and fishing rights"); *Id.* at 346 ("[w]ithout sufficient water to preserve fish and wildlife on the Reservation lands, Indian hunting and fishing rights would be worthless"). Neither the Tribes nor the United States appealed from this aspect of the District Court decision.

The Ninth Circuit opinion is similarly imprecise as to the scope of the treaty rights to be protected. The court variously stated (1) that Article I of the 1864 treaty reserved to the Tribe "the exclusive right to *hunt, fish, and gather* on its reservation," *Adair*, 723 F2d at 1408; (2) that the issue for decision was "whether, as the district court held, these *hunting and fishing rights* carry with them an implied reservation of rights," *Id.*; (3) that resolution of that question turned on "whether securing to the Indians the right to *hunt, fish, and gather* was a primary purpose of the Klamath Reservation," *Id.* at 1409; and (4) that Article I of the Treaty "expressly provides that the Tribe will have *exclusive on-reservation fishing and gathering rights*," noting that the language has been interpreted to include "*exclusive hunting and trapping rights*." *Id.* (Emphasis added). As was true for the District Court opinion, in every case the Ninth Circuit refers to the *water right* as one to support treaty hunting and fishing rights. Given that, and given that neither the United States nor the Tribes took issue with the District Court's characterization of the time immemorial water right, we think the better argument is that claimants may only claim hunting and fishing water rights, not gathering water rights.

Article I of the treaty reserved to the Tribes the right to hunt and fish on the reservation. *Kimball v. Callahan*, 493 F2d 564, 566 (9th Cir 1974), *cert den* 419 US 1019 (1974); *Kimball v. Callahan*, 590 F2d 768, 775-776 (9th Cir 1979), *cert den* 444 US 826 (1979). The *Adair* court clearly intended to give meaning to that treaty right by holding that the treaty reserved to the Tribes a corollary hunting and fishing water right. The court held that the priority date for the Tribes' hunting and fishing water right is time immemorial. *Adair*, 723 F2d at 1415. The priority date for irrigation and domestic purposes on the former reservation is 1864. *Id.* Quantification of the reserved rights was left to the state under the provisions of the McCarran Amendment. 723 F2d at 1399-1407; *United States v. Oregon*, 44 F3d 758 (1994), *cert den* 516 US 943 (1995). The Tribes may claim "only that amount of water necessary to fulfill the purpose of the reservation, no more." 723 F2d at 1409, quoting *Cappaert v. United States*, 426 US 128, 141 (1976).

The formidable task of quantifying a water right to support a hunting and fishing right is further complicated by language in the *Adair* opinion that appears to qualify that right. In response to the appellants' argument that a Tribal instream water right with a priority date of time immemorial would subject the former Klamath Reservation to a "wilderness servitude" that would make water completely unavailable for out of stream uses, the court stated:

> * * * Apparently, appellants read the water rights decreed to the Tribe to require restoration of an 1864 level of water flow on former reservation lands now used by the Tribe to maintain traditional hunting and fishing lifestyles. We do not interpret the district court's decision so expansively.
>
> In its opinion discussing the Tribe's hunting and fishing water rights, the district court stated '[t]he Indians are still entitled to as much water on the Reservation lands as they need to protect their hunting and fishing rights.' 478 F.Supp. at 345. We interpret this statement to confirm to the Tribe the amount of water necessary to support its hunting and fishing rights as currently exercised to maintain the livelihood of Tribe members, not as these rights once were exercised

> by the Tribe in 1864. We find authority for such a construction of the Indians' rights in the Supreme Court's decision in *Washington v. Fishing Vessel Ass'n*, 443 U.S. 658, 99 S. Ct. 3055, 61 L. Ed. 2d 823 (1979). There, citing *Arizona v. California*, 373 U.S. 546, 83 S. Ct. 1468, 10 L. Ed. 2d 542 (1963), a reserved water rights case, the court stated "that Indian treaty rights to a natural resource that once was thoroughly and exclusively exploited by the Indians secures so much as, but not more than, is necessary to provide the Indians with a livelihood – that is to say, a moderate living." 443 U.S. at 686, 99 S.Ct. at 3075. Implicit in this "moderate living" standard is the conclusion that Indian tribes are not generally entitled to the same level of exclusive use and exploitation of a natural resource that they enjoyed at the time they entered into the treaty reserving their interest in the resource, unless, of course, no lesser level will supply them with a moderate living. *See Washington v. Fishing Vessel Ass'n*, 443 U.S. at 686, 99 S.Ct. at 3074-75. As limited by the "moderate living" standard enunciated in *Fishing Vessel*, we affirm the district court's decision that the Klamath Tribe is entitled to a reservation of water, with a priority date of immemorial use, sufficient to support exercise of treaty hunting and fishing rights.

723 F2d at 1414-1415.

By relying on both *Arizona v. California* and *Washington v. Fishing Vessel Ass'n*, the *Adair* court blended two distinct theories for allocation of treaty rights in a natural resource. In *Arizona v. California*, the United States Supreme Court announced the "practicably irrigable acreage" standard for quantification of out of stream reserved rights, holding that the Indians had reserved enough water to irrigate all the practicably irrigable acreage on the reservation. *Arizona v. California*, 373 US at 600-601. The court expressly rejected Arizona's argument that the quantity reserved should be measured by the Indians' reasonably foreseeable needs:

> How many Indians there will be and what their future needs will be can only be guessed. We have concluded, as did the Master, that the only feasible and fair way by which reserved water for the reservations can be measured is irrigable acreage.

373 US at 601. Thus, the Indians' share of the water was determined by the productive capacity of the treaty acres, not by the number of Indians that might rely on the water.

In contrast, the *Fishing Vessel* court expressly tied the maximum allocation of a treaty harvest right to the standard of living of the tribal members. *Fishing Vessel,* 443 US at 685-687. The case involved construction of a treaty that awarded the tribes at issue a "right of taking fish * * * in common with all citizens of the Territory." *Id.* at 662. The court held that the treaty secured to the tribes a right to harvest a share of each run of anadromous fish that passes through tribal fishing areas. The guiding principle was that "Indian treaty rights to a natural resource that once was thoroughly and exclusively exploited by the Indians secures so much as, but no more than, is necessary to provide the Indians with a livelihood – that is to say, a moderate living." *Fishing Vessel*, 443 US at 686. The court held that the harvestable portion of each run that

passes through a usual and accustomed fishing place should initially be divided into approximately equal treaty and nontreaty shares. The initial 50% share was a maximum allocation that should be reduced "if tribal needs may be satisfied by a lesser amount." *Fishing Vessel,* 443 US at 685. The minimum allocation could be reduced upon "proper submissions to the court" demonstrating changing circumstances:

> If, for example, a tribe should dwindle to just a few members, or if it should find other sources of support that lead it to abandon its fisheries, a 45% or 50% allocation of an entire run that passes through its customary fishing grounds would be manifestly inappropriate because the livelihood of the tribe under those circumstances could not reasonably require an allotment of a large number of fish.

443 U.S. at 667.

The court did not address whether or to what extent the treaty right to a harvest included a right to habitat protection.

The *Adair* court clearly intended to place limits on a right that might otherwise actually create a "wilderness servitude" on the former reservation. The limiting language of the court's decision is susceptible to at least two different plausible interpretations. One would limit the Tribes' water right to a level that would support a hunting and fishing right as it is exercised in modern times, or more specifically at the time of the *Adair* decision. Such approach would focus on the treaty resources as they existed at that time. We believe that interpretation has considerable textual support in the opinion. First, the court began with the observation that the Tribes had been confirmed enough water to "protect" their hunting and fishing rights – not to restore or enhance them. 723 F2d at 1414. Use of the verb "protect" suggests a focus on the level of resources that existed at the time of the *Adair* decision. Second, the court flatly rejected the notion that the Tribes' had been decreed an "1864 level of flow" on the former reservation. *Id.* Third, the court held that the Tribes were entitled to the amount of water necessary to supports their hunting and fishing rights *as currently exercised* to maintain the livelihood of tribe members, not as these rights once were exercised by the Tribes in 1864. *Id.* at 1414-1415. The court appeared to explicitly fix the water right to support the Tribes' hunting and fishing as of a contemporaneous date. Finally, the court observed that "tribes are not generally entitled to the same level of exclusive use and exploitation of a natural resource that they enjoyed at the time they entered into the treaty reserving their interest in the resource, unless, of course, no lesser level will supply them with a moderate living." *Id.* at 1415.

The BIA emphasizes the part of this passage that refers to the fact that the Tribes' hunting and fishing rights are no longer exclusive, arguing that the "currently exercised" language is simply a recognition of the non-exclusivity. But the court also stated that the Tribes are not entitled to the same level of "exploitation of a natural resource" that they enjoyed at the time of the treaty. *Id.*. This seems to us an explicit recognition that the Tribes hunting and fishing resources must now share the former reservation with other interests – including the agricultural interests of its own members and their successors. The BIA argues that the state may not engage in an accommodation of competing interests in the basin when it quantifies rights, and we agree

with that position. But if this interpretation of *Adair* is correct, that court has already made such an accommodation, by confirming a water right to support the Tribes' hunting and fishing as it exists in modern times, not at the time of the treaty.[1]

A second plausible interpretation of *Adair*, advanced by the BIA, is that the Tribes are entitled to the amount of water necessary to support harvestable levels of treaty resources, without regard to the level of exercise of the hunting and fishing right in the modern era, and without regard to the other uses that have developed over time in the area. March 26 BIA Letter at 30. The BIA emphasizes the *Adair* court's reliance on *Arizona v. California,* which focused on the productive capacity of the treaty acreage. By analogy, quantification of the Tribes' instream rights would focus on the capacity of the water body to produce harvestable resources. The BIA argues that the moderate living standard operates as a limitation on the Tribes' hunting and fishing water right *only* if the record shows either that the Tribes have abandoned or significantly reduced their reliance on a treaty resource, or have otherwise achieved a moderate standard of living. Under this theory claimants need not demonstrate that the Tribal members continue to rely on treaty resources, or that they have *not* achieved a moderate living, in order to make a prima facie showing in support of the claims. The burden is on opponents of the claims to justify a cap on the hunting and fishing water right based on the moderate living standard. The BIA argues that the moderate living standard does not limit the Tribes' water rights because their claimed amounts "will not cause the Tribes' living standard to exceed a moderate living." March 26 BIA Letter at 30.

The *Adair* decision is not a model of clarity, and we acknowledge the force of the BIA's argument. Although both positions are defensible we believe, on balance, the more persuasive interpretation is that *Adair* confirmed to the Tribes an amount of water sufficient to protect the Tribes hunting and fishing rights as they were exercised at the time of the decision.

b. The Amounts Claimed

Under any interpretation of *Adair*, the Tribes have the burden of demonstrating that the amounts claimed are the minimum necessary to protect the Tribes' hunting and fishing water right, no more. *Adair,* 723 F2d at 1409. Analysis of that amount will depend, in the first instance, on the interpretation of *Adair* that is adopted by the adjudicator. The BIA has disavowed an approach that would tie the water right to treaty fish and wildlife resources as they existed contemporaneously with the *Adair* decision. March 26 BIA Letter at 7, 14, 32. The adjudicator may reasonably conclude that claimants have not provided information to allow quantification on that basis. If the adjudicator adopts that interpretation of *Adair*, the adjudicator

[1] In this passage the *Adair* court disavowed a tribal right to the same level of exclusive use and exploitation of a natural resource enjoyed at the time of the treaty unless "no lesser level will supply [members of the Tribes] with a moderate living." 723 F2d at 1415. We are uncertain what the court meant by this observation. The court may have left open the possibility that the Tribes may be entitled to more water than would support their hunting and fishing rights as they were "currently" exercised, if no lesser level would supply members of the Tribes with a moderate living. But even if that interpretation is correct, to our knowledge, claimants have not attempted to show in this proceeding that more water to support hunting and fishing will increase the standard of living of Tribal members.

could reasonably either propose to reject the claims on the basis that they do not make a prima facie case for the minimum amount of water necessary to support the hunting and fishing resources that existed contemporaneously with *Adair*, or rely on other available information to make the preliminary determination.

If the adjudicator adopts the interpretation of *Adair* advanced by the BIA, the adjudicator could reasonably use the information provided by the BIA and the Tribes as a starting point, bearing in mind that the claimants are entitled to the minimum amount necessary to support hunting and fishing rights. We understand that in most instances the flow levels sought for fish protection identify the amount of water that would be necessary to provide 100% of weighted usable area for the target species.[2] That suggests that the amounts sought are not the minimum necessary to achieve a harvestable resource. In addition, the Oregon Department of Fish and Wildlife ("ODFW") has obtained instream water rights on many of the same reaches for which the BIA and the Tribes have claimed. In most instances those amounts are substantially below the amounts claimed by the BIA and the Tribes. ODFW has characterized these flows as the minimum amount necessary for fish life. The disparity between the claims and the ODFW flows also suggests that the claims are not for the minimum amount necessary to produce a harvestable fishery. The adjudicator may also reasonably rely on other available information to quantify the right under this interpretation of *Adair*.

III. Off-reservation Claims

The claims include lake levels in Upper Klamath Lake, which borders the reservation, stream flows in the Klamath River, and stream flows that originate off the former reservation and traverse the former reservation. Claimants assert that all the waters claimed are biologically necessary for various fish species that tribal members harvest or have harvested within the former reservation.

a. Water Bodies Beyond Reservation Boundaries

We do not believe claimants are entitled to water rights beyond the boundaries of the former reservation. First, the *Adair* court held that the Tribes are entitled to hunting and fishing water rights *on the former reservation*. 723 F2d at 1410, 1414. In addition, the United States Supreme Court has held that tribal members are not entitled to hunt and fish free of state regulation on lands that the Tribes ceded to the United States in 1901. *Oregon Fish & Wildlife Dept. v. Klamath Tribe*, 473 US 753 (1985). In the court's words, "the 1901 Agreement contained a broad and unequivocal conveyance of the Tribe's title to the land and a surrender of '*all* their claim, *right*, title, and interest *in and to*' that portion of the reservation." 473 US at 768 (emphasis in original). Any water rights claimed within the area ceded in the 1901 Agreement are likely foreclosed by *Oregon Fish & Wildlife Dept.* Finally, to our knowledge, no appellate court has recognized an off-reservation water right to support an on-reservation hunting and fishing water right. Given that fact, the holding in *Adair*, and the holding in *Oregon Fish & Wildlife Dept.*, we believe the better argument is that claimants are not entitled to claim on water bodies that are not within, and do not border, the former reservation.

[2] Weighted usable area is a measure of habitat available to support given species.

b. Boundary Water Bodies

Several cases have confirmed reserved water rights for consumptive uses from a boundary stream. *See United States v. Rio Grande Dam & Irrig. Co.*, 174 US 690, 703 (1899); *Winters v. United States*, 207 US 564, 565-567 (1908); *United States v. Ahtanum Irrig. Dist.*, 236 F2d 321, 325 (9th Cir 1956), *cert den* 352 US 988 (1957). While these cases did not involve instream rights, they do suggest that a hunting and fishing water right may legitimately be claimed for a boundary water body. In addition, we believe the *Adair* court's holding that the Tribes are entitled to hunting and fishing water rights *on the former reservation* could reasonably be construed to include boundary water bodies for the purpose of the Tribes' hunting and fishing water rights.

c. The Klamath River Claims

Three claims are for instream flows in the Klamath River above the Oregon border. These claims are for future use "to support an anadromous fishery when salmon are reintroduced to the Upper Klamath Basin" on relicensing of the Klamath River dams. March 26 BIA Letter at 24-25. Anadromous fish have not inhabited the Klamath River in Oregon in many years. They had been completely been eliminated from the basin by the mid-20th century. If the Tribes' fishing and hunting right protects the treaty resources as they existed at the time of the *Adair* decision, the Tribes are clearly not entitled to an instream flow to support anadromous fish.

Even if the adjudicator adopts the interpretation of *Adair* advanced by the BIA, it does not follow that claimants are entitled to a water right for a fishery that has not existed for many years and for which no firm prospects exist for reintroduction. The BIA argues that quantification of a tribal water right generally should take into account current and future needs.[3] Nonetheless, we believe the adjudicator could reasonably conclude that the reintroduction of anadromous fish into the Upper Basin is too speculative to warrant inclusion of water for that fishery among the Tribes' future needs.

IV. The Out of Stream Claims

Claimants have made claims for six out of stream uses. All of the claims are for lands reacquired by the Tribes, presumably after some period in non-Indian ownership. On reacquisition of allotted lands the Tribes, as would any other successor in interest, acquire the water rights, including the priority date, of their predecessor in interest. *United States v. Anderson*, 736 F2d 1358, 1361-1362 (9th Cir 1984). If those water rights have an 1864 priority date then the Tribes succeed to that priority date. *Id.*

The BIA argues that claimants are entitled to the priority date of the treaty, and that "tribal water uses on reacquired lands are governed by the reserved rights purposes of the reservation analysis." March 26 BIA Letter at 38. (citing *In re Rights to Use Water in Big Horn River*, 753 P2d 76, 114 (Wyo 1988). We do not agree with that statement, nor are we persuaded

[3] In our view the cases on which the BIA relies for this position have limited applicability, as the *Adair* decision fully articulated the scope of the Tribes' hunting and fishing water rights.

that *Big Horn* supports it. The *Big Horn* court held first that a non-Indian successor to an Indian owner acquires a water right for any acreage developed by the Indian owner, as well as any for acreage developed by the non-Indian successor within a reasonable time, with the priority date of the reservation. *Big Horn*, 753 P2d at 113-114. The court then held that a similarly situated Indian or tribal purchaser would succeed to the same priority date. *Big Horn*, 753 P2d. 114. To the extent the *Big Horn* court held that in every case treaty reserved water rights are resurrected on reacquisition by an Indian or tribal purchaser, its decision conflicts with the Ninth Circuit's decision in *Anderson*.[4]

V. Conclusion

We believe the most persuasive interpretation of *Adair* is that claimants are entitled to the minimum amount of water necessary to protect the Tribes' hunting and fishing rights as they were exercised contemporaneously with the *Adair* decision. Under the alternative interpretation of *Adair* advanced by the BIA, claimants would be entitled to the minimum amount necessary to support a harvestable level of treaty fish and wildlife resources. In either case, the minimum amount necessary is a factual determination that must be made based on the material provided by claimants, as well as any other reliable information available to the Department as it evaluates the claims. Claimants may appropriately claim hunting and fishing water rights in boundary water bodies, but not in water bodies that are beyond the reservation boundaries.

Claimants may appropriately claim water rights for out of stream uses as successor in interest to other water right holders. The authorized use, as well as the priority date, will require a fact-specific inquiry. Claimants are not entitled to out of stream treaty uses with an 1864 priority date unless the Tribes acquired such a right from an Indian predecessor.

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[4] The *Adair* court evaluated the purposes of the reservation, and confirmed to the Tribes water rights for agricultural and domestic purposes and to support hunting and fishing. Even if we were to agree with the BIA's view of the law governing reacquisition, we do not agree that the Tribes could hold a treaty water right for cemetery watering, a casino or a fish farm. These are commercial or municipal purposes for which water is not reserved by the treaty. The BIA relies on *Big Horn*, a decision of the Wyoming Supreme Court, for the proposition that municipal and commercial uses were encompassed within the tribes' agricultural reserved right. The Wyoming court drew that conclusion with no explanation and no citation to other authority. The Wyoming court's decisions are not binding on the courts of Oregon. In this matter we do not recommend adoption of the court's analysis.

KBA_APP_135123

Summary - Preliminary Evaluation of Claims Claim No. **617**

Klamath Basin General Stream Adjudication BIA claim

Current Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.
Portland OR 97232

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for an 1864 Treat reserved right, apparently based on reacquisition of the appurtenant land by the Tribes.

3. The future irrigation use claim is for a total of 24.0 acre-feet, at a rate of 0.15 cubic feet per second, for future irrigation from one point of diversion located on Sprague River, for irrigation of 12.8 acres of practicably irrigable acreage located within the Breymill-Reyes Parcel, in the NE 1/4 SW 1/4 Section 19, Township 34 South, Range 8 East, WM.

4. The fish rearing pond use claim is for a total of 376 acre-feet, at a rate of 0.5 cfs, for maintenance of fish-rearing ponds located within the Breymill-Reyes Parcel, in the NE 1/4 SW 1/4 Section 19, Township 34 South, Range 8 East, WM.

5. The claimed period of use is April 1 through October 31 for irrigation and year-round for fish rearing ponds.

6 The claimed priority date is October 14, 1864.

FINDINGS OF FACT

7. The record contains no information regarding the status of the water right, if any, appurtenant to this land at the time of reacquisition by the Tribes.

CONCLUSION

8. Reacquisition of land by the Tribes does not entitle the Tribes to a Treaty reserved right.

9. The claimant has not demonstrated any other basis for approval of this claim.

10. The claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **618**

Klamath Basin General Stream Adjudication BIA claim

Current Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.
Portland OR 97232

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for an 1864 Treat reserved right, apparently based on reacquisition of the appurtenant land by the Tribes.

3. The future irrigation claim is for a total of 45.0 acre-feet, at a rate of 0.65 cubic feet per second, from one point of diversion located on the Sprague River, for future irrigation / landscape maintenance of 20 acres in Brown Cemetery, located in the SW 1/4 NE 1/4 and the SE1/4 NE 1/4 Section 13, Township 36 South, Range 12 East, WM.

4. The claimed period of use is April 1 through October 31 for irrigation/landscape maintenance.

5. The claimed period of use is April 1 through October 31 for irrigation and year-round for fish rearing ponds.

6 The claimed priority date is October 14, 1864.

FINDINGS OF FACT

7. The record contains no information regarding the status of the water right, if any, appurtenant to this land at the time of reacquisition by the Tribes.

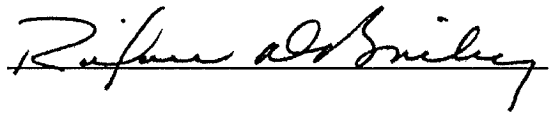
CONCLUSION

8. Reacquisition of land by the Tribes does not entitle the Tribes to a Treaty reserved right.

9. The claimant has not demonstrated any other basis for approval of this claim.

10. The claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **619**

Klamath Basin General Stream Adjudication BIA claim

Current Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.
Portland OR 97232

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for an 1864 Treat reserved right, apparently based on reacquisition of the appurtenant land by the Tribes.

3. The future irrigation claim is for a total of 15.0 acre-feet, at a rate of 0.28 cubic feet per second, from a point of diversion located on the Sprague River and point of diversion located on the Modoc Irrigation District Canal, for future irrigation / landscape maintenance of 20 acres in David Hill Cemetery, located in the NE 1/4 NW 1/4 Section 32, Township 36 South, Range 12 East, WM.

4. The claimed period of use is April 1 through October 31 for irrigation/landscape maintenance.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The record contains no information regarding the status of the water right, if any, appurtenant to this land at the time of reacquisition by the Tribes.

CONCLUSION

7. Reacquisition of land by the Tribes does not entitle the Tribes to a Treaty reserved right.

8. The claimant has not demonstrated any other basis for approval of this claim.

9. The claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **620**
BIA claim

Current Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.
Portland OR 97232

The general location of the claimed use is SE¼ NW¼ Section 21, Township 31 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for an 1864 Treat reserved right, apparently based on reacquisition of the appurtenant land by the Tribes.

3. The future irrigation claim is for a total of 8.8 acre-feet, at a rate of 0.06 cubic feet per second, for future irrigation from one point of diversion located on the Williamson River, for irrigation of 4.8 acres of practicably irrigable acreage located within the Modoc Pump Station Parcel, in the SE¼ NW¼ Section 21, Township 31 South, Range 7 East, W.M.

4. The claimed period of use is April 1 through October 31 for irrigation.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The record contains no information regarding the status of the water right, if any, appurtenant to this land at the time of reacquisition by the Tribes.

CONCLUSION

7. Reacquisition of land by the Tribes does not entitle the Tribes to a Treaty reserved right.

8. The claimant has not demonstrated any other basis for approval of this claim.

9. The claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **621**
BIA claim

Current Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.
Portland OR 97232

The general location of the claimed use is Lots 22, 23 and 28 (Casino Parcel), Section 16, Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for an 1864 Treat reserved right, apparently based on reacquisition of the appurtenant land by the Tribes.

3. The future fire protection claim is for a total of 3.7 acre-feet, at a rate of 0.27 cubic feet per second, for future irrigation from one point of diversion located on the Williamson River, for fire protection for a casino constructed on Lots 22, 23 and 28 (Casino Parcel), Section 16, Township 35 South, Range 7 East, W.M..

4. The claimed period of use is year-round.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The record contains no information regarding the status of the water right, if any, appurtenant to this land at the time of reacquisition by the Tribes.

CONCLUSION

7. Reacquisition of land by the Tribes does not entitle the Tribes to a Treaty reserved right.

8. The claimant has not demonstrated any other basis for approval of this claim.

9. The claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **622**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of September, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For fish and wildlife habitat including water quality the BIA claims the following water levels expressed as feet above mean sea level.

November 1 - April 1	Consistent with flood control purposes, the water level shall be raised as quickly as possible to elevation 4,143
July 1- July 31	4,143
August 1 - October 31	4,141
	Decreases in water level shall begin no sooner than the last day of the designated period and shall take place over no less than two weeks.

5. The claimed period of use is January 1 to December 31.

6. The claimed priority date is time immemorial.

7. The claimed place of use is the Upper Klamath and Agency Lakes as described by UTM coordinates in the claim.

FINDINGS OF FACT

8. The priority date is time immemorial.

9. The period of use is January 1 to December 31.

10. The BIA has provided information sufficient to demonstrate that maintenance of lake levels is necessary to protect treaty fish and wildlife resources.

11. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

12. The October, 1978 through September, 1979 mean monthly lake levels for the Upper Klamath Lake near Klamath Falls as reported by the United States Geological Survey, measured at USGS gage number 11507001, are:

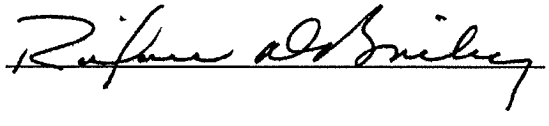
October:	4140.39	April:	4142.59
November:	4140.34	May:	4142.95
December:	4140.58	June:	4142.06
January:	4140.93	July:	4140.72
February:	4141.44	August:	4139.31
March:	4142.22	September:	4138.57

CONCLUSION

13. For the reason stated in paragraph 11, this claim is DENIED for the quantities of water requested by the BIA.

14. This claim is APPROVED for the quantities of water set out in paragraph 12.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims for gathering rights are not proper. *United States v. Adair*, 478 F. Supp. 336 (1979).

3. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

4. The claim was filed on April 30, 1997.

5. For marsh vegetation (primarily yellow pond lily *Nuphar polysepalum*) gathering and wildlife habitat the BIA claims the following minimum monthly water levels to be maintained at "Silver Lake Highway gage."

Month	Water Level (in feet above mean sea level)
January	4,515.2
February	4,515.3

March	4,515.4
April	4,515.3
May	4,514.9
June	4,514.4
July	4,514
August	4,513.8
September	4,513.9
October	4,514.2
November	4,514.9
December	4,514.9

6. The claimed period of use is January 1 to December 31.

7. The claimed priority date is time immemorial.

8. The Tribes do not have gathering rights for the yellow pond lily *Nuphar polysepalum.*

9. The claimed place of use is the Klamath Marsh as described by UTM coordinates in the claim.

FINDINGS OF FACT

10. The priority date is time immemorial.

11. The period of use is January 1 to December 31.

12. The BIA has not provided information sufficient to demonstrate that the abundance of migratory waterfowl used by the Klamath for their treaty hunting rights is linked to the decline of *Nuphar polysepalum* and the corresponding replacement by dense bulrush vegetation.

CONCLUSION

13. For the reason stated in paragraph 12, this claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **624**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. Flows for seeps and springs were attached as a separate table.

5. The claimed period of use is January 1 to December 31.

6. The claimed priority date is time immemorial.

7. The claimed place of use was designated by UTM Coordinates as described in a separate table.

FINDINGS OF FACT

8. The claim does not demonstrate how the water claimed will protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

9. The claim does not demonstrate that the amount of water claimed is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

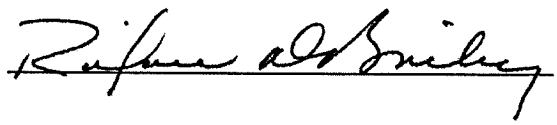
10. The claim does not provide supporting documentation of the methods used to estimate water quantities needed to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

11. The claim does not provide information regarding location of the claimed seeps and springs sufficient to determine whether the claimed water is or is not on lands within the former reservation.

CONCLUSIONS

12. For the reasons outlined in paragraphs 8 through 11, this claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	15 cfs
February	14 cfs
March	16 cfs
April	16 cfs
May	16 cfs
June	38 cfs
July	32 cfs
August	18 cfs

September	12 cfs
October	12 cfs
November	12 cfs
December	14 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	15 cfs
February	14 cfs
March	110 cfs
April	110 cfs
May	110 cfs
June	110 cfs
July	32 cfs
August	18 cfs
September	13 cfs
October	11 cfs
November	12 cfs
December	14 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 10 cfs and a cap flow of 200 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Scott Creek from Township 31S, Range 7.5E, Section 11 (SW1/4 SE1/4) to Township 31S, Range 7E, Section 1 (SE1/4 NE1/4).

FINDINGS OF FACT

10. A portion of the claimed reach is not within the lands of the former Klamath reservation. The only allowed place of use is Scott Creek from Township 31S, Range 7E, Section 1 (SE1/4 NE1/4) (lower reach boundary) up to the border of the former Klamath reservation.

11. The priority date is time immemorial.

12. The period of use is January 1 to December 31.

13. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

14. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	930 cfs
February	1200 cfs
March	1497 cfs
April	1816 cfs
May	1388 cfs
June	798 cfs
July	551 cfs
August	507 cfs
September	538 cfs
October	633 cfs
November	823 cfs
December	952 cfs

15. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

16. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

17. The place of use is LIMITED AS DESCRIBED IN PARAGRAPH 10.

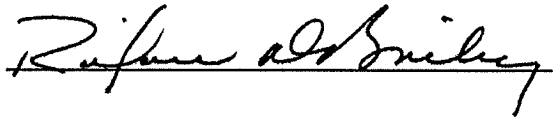
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 14.

January	15 cfs
February	14 cfs
March	16 cfs
April	16 cfs
May	16 cfs
June	38 cfs
July	32 cfs
August	18 cfs
September	12 cfs
October	12 cfs
November	12 cfs
December	14 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **626**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	650 cfs
February	650 cfs
March	650 cfs
April	700 cfs
May	700 cfs
June	700 cfs
July	650 cfs
August	650 cfs
September	650 cfs

October	650 cfs
November	650 cfs
December	650 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	1,483 cfs
February	1,902 cfs
March	4,453 cfs
April	4,453 cfs
May	4,453 cfs
June	4,453 cfs
July	892 cfs
August	748 cfs
September	750 cfs
October	801 cfs
November	915 cfs
December	1,332 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 1,277 cfs and a cap flow of 9,069 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 35S, Range 7E, Section 3 NW 1/4, NW 1/4 to Township 35S, Range 7E, Section 21, SW 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Five Mile Creek from Township 34S, Range 13E, Section 36 SE 1/4, SE 1/4 to Township 35S, Range 13E, Section 25, NW 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not

provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	930 cfs
February	1200 cfs
March	1491 cfs
April	1825 cfs
May	1440 cfs
June	841 cfs
July	564 cfs
August	513 cfs
September	544 cfs
October	637 cfs
November	822 cfs
December	952 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	650 cfs
February	650 cfs
March	650 cfs
April	700 cfs
May	700 cfs
June	700 cfs
July	564 cfs
August	513 cfs
September	544 cfs
October	637 cfs
November	650 cfs
December	650 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **627**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	665 cfs
February	758 cfs
March	900 cfs
April	1,000 cfs
May	815 cfs
June	549 cfs
July	409 cfs

August	378 cfs
September	375 cfs
October	422 cfs
November	545 cfs
December	450 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	665 cfs
February	758cfs
March	2,200 cfs
April	2,200 cfs
May	2,200 cfs
June	2,200 cfs
July	409 cfs
August	378 cfs
September	375 cfs
October	422 cfs
November	545 cfs
December	450 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 528 cfs and a cap flow of 5,099 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 34S, Range 7E Section 9 SE 1/4, NE 1/4 to Township 35S, Range 7E, Section 3 NW1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 34S, Range 7E Section 9 SE 1/4, NE 1/4 to Township 35S, Range 7E, Section 3 NW1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	510 cfs
February	618 cfs
March	740 cfs
April	739 cfs
May	511 cfs
June	375 cfs
July	315 cfs
August	302 cfs
September	301 cfs
October	302 cfs
November	416 cfs
December	526 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

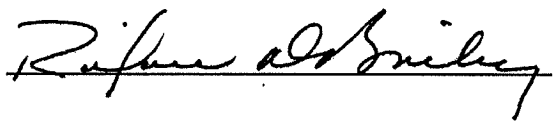
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	510 cfs
February	618 cfs
March	740 cfs
April	739 cfs
May	511 cfs
June	375 cfs
July	315 cfs
August	302 cfs
September	301 cfs
October	302 cfs
November	416 cfs
December	450 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **628**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	150 cfs
February	150 cfs
March	150 cfs
April	150 cfs
May	100 cfs
June	100 cfs
July	67 cfs

August	14 cfs
September	29 cfs
October	75 cfs
November	100 cfs
December	150 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	357 cfs
February	444 cfs
March	924 cfs
April	924 cfs
May	924 cfs
June	924 cfs
July	67 cfs
August	14 cfs
September	29 cfs
October	75 cfs
November	187 cfs
December	342 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 205 cfs and a cap flow of 1,176 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 33s, Range 7E, Section 36 SW 1/4, NW 1/4 to Township 34S, Range 7E, Section 10, SW 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 33s, Range 7E, Section 36 SW 1/4, NW 1/4 to Township 34S, Range 7E, Section 10, SW 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	209 cfs
February	317 cfs
March	438 cfs
April	435 cfs
May	208 cfs
June	71 cfs
July	11 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	114 cfs
December	224 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	150 cfs
February	150 cfs
March	150 cfs
April	150 cfs
May	100 cfs
June	71 cfs
July	11 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	100 cfs
December	150 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **629**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	100 cfs
February	100 cfs
March	100 cfs
April	66 cfs
May	60 cfs
June	60 cfs
July	60 cfs

August	14 cfs
September	29 cfs
October	55 cfs
November	55 cfs
December	100 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	354 cfs
February	439 cfs
March	924 cfs
April	924 cfs
May	924 cfs
June	924 cfs
July	66 cfs
August	14 cfs
September	29 cfs
October	75 cfs
November	185 cfs
December	338 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 203 cfs and a cap flow of 1,176 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 33S, Range 7E, Section 1 NE 1/4, NW 1/4 to Township 33S, Range 7E, Section 36, SW 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 33S, Range 7E, Section 1 NE 1/4, NW 1/4 to Township 33S, Range 7E, Section 36, SW 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	185 cfs
February	290 cfs
March	404 cfs
April	405 cfs
May	186 cfs
June	51 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	92 cfs
December	201 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

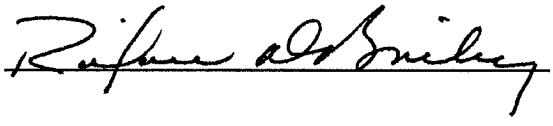
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	100 cfs
February	100 cfs
March	100 cfs
April	66 cfs
May	60 cfs
June	51 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	55 cfs
December	100 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **630**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	353 cfs
February	439 cfs
March	442 cfs
April	522 cfs
May	356 cfs
June	141 cfs
July	66 cfs

August	14cfs
September	29 cfs
October	74 cfs
November	184 cfs
December	338 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	353 cfs
February	439 cfs
March	924 cfs
April	924 cfs
May	924 cfs
June	924 cfs
July	66 cfs
August	14 cfs
September	29 cfs
October	74 cfs
November	184 cfs
December	338 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 202 cfs and a cap flow of 1,176 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 32S, Range 8E, Section 7 NE 1/4, NE 1/4 to Township 33S, Range 7E, Section 1, NE 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 32S, Range 8E, Section 7 NE 1/4, NE 1/4 to Township 33S, Range 7E, Section 1, NE 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	182 cfs
February	287 cfs
March	397 cfs
April	400 cfs
May	183 cfs
June	48 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	90 cfs
December	199 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	182 cfs
February	287 cfs
March	397 cfs
April	400 cfs
May	183 cfs
June	48 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	90 cfs
December	199 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	67 cfs
February	82 cfs
March	113 cfs
April	120 cfs
May	120 cfs
June	115 cfs
July	78 cfs

August	66 cfs
September	68 cfs
October	68 cfs
November	67 cfs
December	69 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	67 cfs
February	82 cfs
March	560 cfs
April	560 cfs
May	560 cfs
June	560 cfs
July	78 cfs
August	66 cfs
September	68 cfs
October	68 cfs
November	67 cfs
December	69 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 69 cfs and a cap flow of 1,122 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 21S, Range 11E, Section 31 NW 1/4, NW 1/4 to Township 30S, Range 10E, Section 16, NW 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 21S, Range 11E, Section 31 NW 1/4, NW 1/4 to Township 30S, Range 10E, Section 16, NW 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	76 cfs
February	82 cfs
March	93 cfs
April	125 cfs
May	122 cfs
June	97 cfs
July	67 cfs
August	60 cfs
September	62 cfs
October	69 cfs
November	72 cfs
December	77 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	67 cfs
February	82 cfs
March	93 cfs
April	125 cfs
May	120 cfs
June	97 cfs
July	67 cfs
August	60 cfs
September	62 cfs
October	68 cfs
November	67 cfs
December	69 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **632**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	57 cfs
February	70 cfs
March	96 cfs
April	100 cfs
May	100 cfs
June	98 cfs
July	67 cfs
August	56 cfs

September	58 cfs
October	58 cfs
November	57 cfs
December	59 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	57 cfs
February	70 cfs
March	460 cfs
April	460 cfs
May	460 cfs
June	460 cfs
July	67 cfs
August	56 cfs
September	58 cfs
October	58 cfs
November	57 cfs
December	59 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 59 cfs and a cap flow of 897 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 32S, Range 11E, Section 17 NE 1/4, SW 1/4 to Township 31S, Range 11E, Section 31, NW 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 32S, Range 11E, Section 17 NE 1/4, SW 1/4 to Township 31S, Range 11E, Section 31, NW 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not

provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	58 cfs
February	59 cfs
March	62 cfs
April	83 cfs
May	70 cfs
June	63 cfs
July	55 cfs
August	52 cfs
September	55 cfs
October	57 cfs
November	60 cfs
December	60 cfs

16. In the months where the calculation in paragraph 15 does not yield a minimum flow amount, the BIA claim for physical habitat maintenance is determined to be the minimum flow needed to support hunting and fishing treaty rights as of September 27, 1979.

17. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information

that would allow the adjudicator to determine the minimum amount necessary for this purpose.

18. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

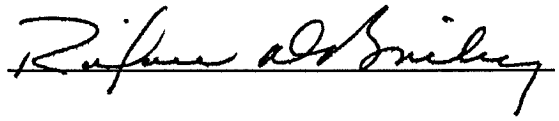
19. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	57 cfs
February	59 cfs
March	62 cfs
April	83 cfs
May	70 cfs
June	63 cfs
July	55 cfs
August	52 cfs
September	55 cfs
October	57 cfs
November	57 cfs
December	59 cfs

20. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

21. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **633**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	30 cfs
February	36 cfs
March	36 cfs
April	43 cfs
May	42 cfs
June	33 cfs
July	35 cfs

August	29 cfs
September	30 cfs
October	30 cfs
November	30 cfs
December	31 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	30 cfs
February	36 cfs
March	250 cfs
April	250 cfs
May	250 cfs
June	250 cfs
July	35 cfs
August	29 cfs
September	30 cfs
October	30 cfs
November	30 cfs
December	31 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 30 cfs and a cap flow of 460 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Williamson River from Township 33S, Range 11E, Section 4 SW 1/4, SW 1/4 to Township 32S, Range 11E, Section 17, NE 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Williamson River from Township 33S, Range 11E, Section 4 SW 1/4, SW 1/4 to Township 32S, Range 11E, Section 17, NE 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	36 cfs
February	36 cfs
March	37 cfs
April	49 cfs
May	41 cfs
June	39 cfs
July	34 cfs
August	32 cfs
September	33 cfs
October	35 cfs
November	38 cfs
December	38 cfs

16. In the months where the calculation in paragraph 15 does not yield a minimum flow amount, the BIA claim for physical habitat maintenance is determined to be the minimum flow needed to support hunting and fishing treaty rights as of September 27, 1979.

17. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this

component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

18. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

19. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	30 cfs
February	36 cfs
March	36 cfs
April	43 cfs
May	42 cfs
June	33 cfs
July	34 cfs
August	29 cfs
September	30 cfs
October	30 cfs
November	30 cfs
December	31 cfs

20. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

21. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **634**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	12 cfs
February	12 cfs
March	12 cfs
April	12 cfs
May	12 cfs
June	12 cfs
July	12 cfs

August	12 cfs
September	12 cfs
October	12 cfs
November	12 cfs
December	12 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	12 cfs
February	12 cfs
March	13 cfs
April	13 cfs
May	13 cfs
June	13 cfs
July	12 cfs
August	12 cfs
September	12 cfs
October	12 cfs
November	12 cfs
December	12 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 11 cfs and a cap flow of 14 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Larkin Creek from Township 34S, Range 7E, Section 11 SW 1/4, SW 1/4 to Township 34S, Range 7E, Section 3, NE 1/4, SE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Larkin Creek from Township 34S, Range 7E, Section 11 SW 1/4, SW 1/4 to Township 34S, Range 7E, Section 3, NE 1/4, SE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	12 cfs
February	14 cfs
March	17 cfs
April	15 cfs
May	11 cfs
June	10 cfs
July	10 cfs
August	10 cfs
September	10 cfs
October	11 cfs
November	11 cfs
December	12 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

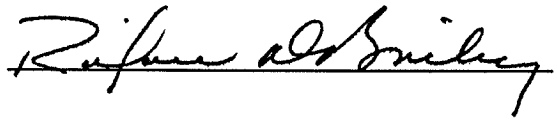
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED BELOW AS DESCRIBED IN PARAGRAPH 15.

January	12 cfs
February	12 cfs
March	12 cfs
April	12 cfs
May	12 cfs
June	12 cfs
July	10 cfs
August	10 cfs
September	10 cfs
October	11 cfs
November	11 cfs
December	12 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **635**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	30 cfs
February	30 cfs
March	40 cfs
April	40 cfs
May	40 cfs
June	30 cfs
July	30 cfs

August	30 cfs
September	24 cfs
October	22 cfs
November	24 cfs
December	30 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	33 cfs
February	32 cfs
March	310 cfs
April	310 cfs
May	310 cfs
June	310 cfs
July	52 cfs
August	31 cfs
September	24 cfs
October	22 cfs
November	24 cfs
December	30 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 20 cfs and a cap flow of 561 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Sand Creek from Township 31S, Range 7.5E, Section 6 NE 1/4, SW 1/4 to Township 31S, Range 8E, Section 19, NE 1/4, NW 1/4 and NW 1/4/, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Sand Creek from Township 31S, Range 7.5E, Section 6 NE 1/4, SW 1/4 to Township 31S, Range 8E, Section 19, NE 1/4, NW 1/4 and NW 1/4/, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	17 cfs
February	17 cfs
March	12 cfs
April	9 cfs
May	10 cfs
June	23 cfs
July	26 cfs
August	15 cfs
September	14 cfs
October	12 cfs
November	12 cfs
December	19 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	17 cfs
February	17 cfs
March	12 cfs
April	9 cfs
May	10 cfs
June	23 cfs
July	26 cfs
August	15 cfs
September	14 cfs
October	12 cfs
November	19 cfs
December	19 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **636**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is Scott Creek from Township 31S, Range 7.5E, Section 11 (SW1/4 SE1/4) to Township 31S, Range 7E, Section 1 (SE1/4 NE1/4).

FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **637**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	14 cfs
February	13 cfs
March	17 cfs
April	20 cfs
May	25 cfs
June	25 cfs
July	25 cfs
August	17 cfs

September	12 cfs
October	10 cfs
November	11 cfs
December	13 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	14 cfs
February	13 cfs
March	160 cfs
April	160 cfs
May	160 cfs
June	160 cfs
July	31 cfs
August	17 cfs
September	12 cfs
October	10 cfs
November	11 cfs
December	13 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 8 cfs and a cap flow of 260 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Jackson Creek from Township 30S, Range 11E, Section 25 NW 1/4, NE 1/4 to Township 30S, Range 10E, Section 23, SE 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Jackson Creek from Township 30S, Range 11E, Section 25 NW 1/4, NE 1/4 to Township 30S, Range 10E, Section 23, SE 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical

habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	8 cfs
February	10 cfs
March	12 cfs
April	16 cfs
May	17 cfs
June	9 cfs
July	4 cfs
August	3 cfs
September	4 cfs
October	5 cfs
November	6 cfs
December	7 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	8 cfs
February	10 cfs
March	12 cfs
April	16 cfs
May	17 cfs
June	9 cfs
July	4 cfs
August	3 cfs
September	4 cfs
October	5 cfs
November	6 cfs
December	7 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **638**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	2 cfs
February	2 cfs
March	2 cfs
April	2 cfs
May	2 cfs
June	2 cfs
July	2 cfs

August	2 cfs
September	2 cfs
October	2 cfs
November	2 cfs
December	2 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	2 cfs
February	2 cfs
March	2 cfs
April	2 cfs
May	2 cfs
June	2 cfs
July	2 cfs
August	2 cfs
September	2 cfs
October	2 cfs
November	2 cfs
December	2 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 1 cfs and a cap flow of 5 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Irving Creek from Township 30S, Range 11E, Section 20 SW 1/4, SW 1/4 to Township 30S, Range 10E, Section 13, SE 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Irving Creek from Township 30S, Range 11E, Section 20 SW 1/4, SW 1/4 to Township 30S, Range 10E, Section 13, SE 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	2 cfs
February	3 cfs
March	3 cfs
April	4 cfs
May	4 cfs
June	2 cfs
July	1 cfs
August	1 cfs
September	1 cfs
October	1 cfs
November	2 cfs
December	2 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	2 cfs
February	2 cfs
March	2 cfs
April	2 cfs
May	2 cfs
June	2 cfs
July	1 cfs
August	1 cfs
September	1 cfs
October	1 cfs
November	2 cfs
December	2 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **639**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	8 cfs
February	9 cfs
March	12 cfs
April	12 cfs
May	12 cfs
June	13 cfs
July	9 cfs

August	8 cfs
September	8 cfs
October	8 cfs
November	8 cfs
December	8 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	8 cfs
February	9 cfs
March	150 cfs
April	150 cfs
May	150 cfs
June	150 cfs
July	9 cfs
August	8 cfs
September	8 cfs
October	8 cfs
November	8 cfs
December	8 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 7 cfs and a cap flow of 253 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Deep Creek from Township 31S, Range 11E, Section 1, SW 1/4/, NE 1/4 to Township 31S, Range 11E, Section 31, NW 1/4/, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Deep Creek from Township 31S, Range 11E, Section 1, SW 1/4/, NE 1/4 to Township 31S, Range 11E, Section 31, NW 1/4/, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	2 cfs
February	3 cfs
March	5 cfs
April	9 cfs
May	13 cfs
June	6 cfs
July	1 cfs
August	1 cfs
September	1 cfs
October	1 cfs
November	2 cfs
December	2 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

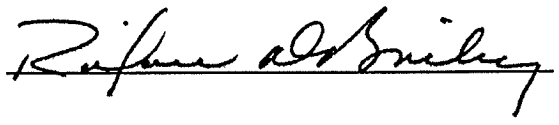
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	2 cfs
February	3 cfs
March	5 cfs
April	9 cfs
May	12 cfs
June	6 cfs
July	1 cfs
August	1 cfs
September	1 cfs
October	1 cfs
November	2 cfs
December	2 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **640**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	336 cfs
February	336 cfs
March	336 cfs
April	336 cfs
May	336 cfs
June	336 cfs
July	336 cfs

August	336 cfs
September	336 cfs
October	336 cfs
November	336 cfs
December	336 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	336 cfs
February	336 cfs
March	358 cfs
April	358 cfs
May	358 cfs
June	358 cfs
July	336 cfs
August	336 cfs
September	336 cfs
October	336 cfs
November	336 cfs
December	336 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 311 cfs and a cap flow of 500 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Spring Creek from Township 33S, Range 7E, Section 33, SW 1/4/, NE 1/4 to Township 34S, Range 7E, Section 9, SE 1/4/, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Spring Creek from Township 33S, Range 7E, Section 33, SW 1/4/, NE 1/4 to Township 34S, Range 7E, Section 9, SE 1/4/, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	300 cfs
February	299 cfs
March	300 cfs
April	303 cfs
May	303 cfs
June	303 cfs
July	304 cfs
August	303 cfs
September	302 cfs
October	302 cfs
November	301 cfs
December	301 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	300 cfs
February	299 cfs
March	300 cfs
April	303 cfs
May	303 cfs
June	303 cfs
July	304 cfs
August	303 cfs
September	302 cfs
October	302 cfs
November	301 cfs
December	301 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **641**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	500 cfs
February	500 cfs
March	500 cfs
April	600 cfs
May	600 cfs
June	600 cfs
July	400 cfs

August	388 cfs
September	378 cfs
October	404 cfs
November	452 cfs
December	500 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	974 cfs
February	1,175 cfs
March	3,436 cfs
April	3,436 cfs
May	3,436 cfs
June	3,436 cfs
July	532 cfs
August	388 cfs
September	378 cfs
October	404 cfs
November	452 cfs
December	673 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 746 cfs and a cap flow of 8,099 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sprague River from Township 35S, Range 7E, Section 3, NE 1/4, SE 1/4 to Township 35S, Range 7E, Section 3, NW 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sprague River from Township 35S, Range 7E, Section 3, NE 1/4, SE 1/4 to Township 35S, Range 7E, Section 3, NW 1/4/, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	411 cfs
February	539 cfs
March	774 cfs
April	1083 cfs
May	949 cfs
June	502 cfs
July	280 cfs
August	223 cfs
September	250 cfs
October	318 cfs
November	360 cfs
December	407 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	411 cfs
February	500 cfs
March	500 cfs
April	600 cfs
May	600 cfs
June	502 cfs
July	280 cfs
August	223 cfs
September	250 cfs
October	318 cfs
November	360 cfs
December	407 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **642**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	150 cfs
February	150 cfs
March	150 cfs
April	150 cfs
May	150 cfs
June	150 cfs
July	150 cfs

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	300 cfs
February	300 cfs
March	300 cfs
April	300 cfs
May	300 cfs
June	300 cfs
July	281 cfs
August	223 cfs
September	251 cfs
October	300 cfs
November	300 cfs
December	300 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **644**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	200 cfs
July	200 cfs

August	200 cfs
September	200 cfs
October	200 cfs
November	200 cfs
December	617 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	893 cfs
February	1,078 cfs
March	3,000 cfs
April	3,000 cfs
May	3,000 cfs
June	3,000 cfs
July	488 cfs
August	356 cfs
September	347 cfs
October	371 cfs
November	415 cfs
December	617 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 682 cfs and a cap flow of 6,645 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sprague River from Township 35S, Range 9E, Section 36 NE 1/4, NW 1/4 to Township 35S, Range 9E, Section 9, NE 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sprague River from Township 35S, Range 9E, Section 36 NE 1/4, NW 1/4 to Township 35S, Range 9E, Section 9, NE 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	412 cfs
February	540 cfs
March	776 cfs
April	1095 cfs
May	981 cfs
June	529 cfs
July	288 cfs
August	227 cfs
September	255 cfs
October	321 cfs
November	360 cfs
December	407 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	200 cfs
July	200 cfs
August	200 cfs
September	200 cfs
October	200 cfs
November	200 cfs
December	407 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **645**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	450 cfs
February	450 cfs
March	450 cfs
April	450 cfs
May	450 cfs
June	450 cfs
July	413 cfs

August	302 cfs
September	294 cfs
October	314 cfs
November	351 cfs
December	522 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	756 cfs
February	913 cfs
March	2,800 cfs
April	2,800 cfs
May	2,800 cfs
June	2,800 cfs
July	413 cfs
August	302 cfs
September	294 cfs
October	314 cfs
November	351 cfs
December	522 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 574 cfs and a cap flow of 6,168 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sprague River from Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4 to Township 35S, Range 9E, Section 36, NE 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sprague River from Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4 to Township 35S, Range 9E, Section 36, NE 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	412 cfs
February	540 cfs
March	777 cfs
April	1096 cfs
May	982 cfs
June	531 cfs
July	289 cfs
August	227 cfs
September	255 cfs
October	321 cfs
November	360 cfs
December	408 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	412 cfs
February	450 cfs
March	450 cfs
April	450 cfs
May	450 cfs
June	450 cfs
July	289 cfs
August	227 cfs
September	255 cfs
October	314 cfs
November	351 cfs
December	408 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **646**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	200 cfs
July	200 cfs

August	175 cfs
September	175 cfs
October	175 cfs
November	200 cfs
December	200 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	443 cfs
February	484 cfs
March	2,031 cfs
April	2,031 cfs
May	2,031 cfs
June	2,031 cfs
July	235 cfs
August	179 cfs
September	178 cfs
October	193 cfs
November	222 cfs
December	353 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 341 cfs and a cap flow of 4,275 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sprague River from Township 36S, Range 12E, Section 13, NW 1/4, SE 1/4 to Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sprague River from Township 36S, Range 12E, Section 13, NW 1/4, SE 1/4 to Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	430 cfs
February	572 cfs
March	830 cfs
April	1236 cfs
May	1194 cfs
June	646 cfs
July	323 cfs
August	246 cfs
September	275 cfs
October	337 cfs
November	374 cfs
December	422 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	200 cfs
July	200 cfs
August	175 cfs
September	175 cfs
October	175 cfs
November	200 cfs
December	200 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **647**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	436 cfs
February	477 cfs
March	463 cfs
April	626 cfs
May	752 cfs
June	395 cfs
July	232 cfs

August	177 cfs
September	176 cfs
October	190 cfs
November	219 cfs
December	348 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	436 cfs
February	477 cfs
March	1,600 cfs
April	1,600 cfs
May	1,600 cfs
June	1,600 cfs
July	232 cfs
August	177 cfs
September	176 cfs
October	190 cfs
November	219 cfs
December	348 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 335 cfs and a cap flow of 3,208 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sprague River from Township 36S, Range 14E, Section 19 (NE1/4 NW1/4) to Township 36S, Range 12 E, Section 13 (NW1/4 SE1/4).

FINDINGS OF FACT

10. A portion of the claimed reach is not within the lands of the former Klamath reservation. The only allowed place of use is the Sprague River at Township 36S, Range 12 E, Section 13 (NW1/4 SE1/4) (lower reach boundary) up to the border of the former Klamath reservation.

11. The priority date is time immemorial.

12. The period of use is January 1 to December 31.

13. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

14. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	188 cfs
February	247 cfs
March	345 cfs
April	504 cfs
May	557 cfs
June	285 cfs
July	150 cfs
August	113 cfs
September	128 cfs
October	155 cfs
November	168 cfs
December	180 cfs

15. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

16. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

17. The place of use is LIMITED AS DESCRIBED IN PARAGRAPH 10.

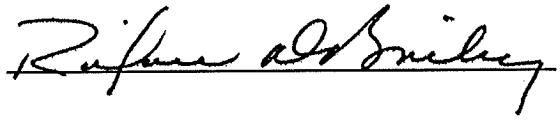
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 14.

January	188 cfs
February	247 cfs
March	345 cfs
April	504 cfs
May	557 cfs
June	285 cfs
July	150 cfs
August	113 cfs
September	128 cfs
October	155 cfs
November	168 cfs
December	180 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

18. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **648**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	15 cfs
February	15 cfs
March	11 cfs
April	11 cfs
May	11 cfs
June	22 cfs
July	23 cfs

August	23 cfs
September	23 cfs
October	21 cfs
November	23 cfs
December	15 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	31 cfs
February	30 cfs
March	180 cfs
April	180 cfs
May	180 cfs
June	180 cfs
July	51 cfs
August	29 cfs
September	23 cfs
October	21 cfs
November	23 cfs
December	29 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 14 cfs and a cap flow of 310 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Trout Creek from Township 35S, Range 9E, Section 35, SW 1/4, SW 1/4 to Township 35S, Range 9E, Section 36, NE 1/4, NW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Trout Creek from Township 35S, Range 9E, Section 35, SW 1/4, SW 1/4 to Township 35S, Range 9E, Section 36, NE 1/4, NW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	1 cfs
February	2 cfs
March	3 cfs
April	7 cfs
May	8 cfs
June	4 cfs
July	2 cfs
August	2 cfs
September	2 cfs
October	2 cfs
November	2 cfs
December	3 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

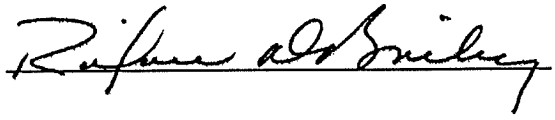
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	1 cfs
February	2 cfs
March	3 cfs
April	7 cfs
May	8 cfs
June	4 cfs
July	2 cfs
August	2 cfs
September	2 cfs
October	2 cfs
November	2 cfs
December	3 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **649**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	72 cfs
February	78 cfs
March	34 cfs
April	36 cfs
May	35 cfs
June	23 cfs
July	38 cfs

August	29 cfs
September	29 cfs
October	31 cfs
November	36 cfs
December	57 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	72 cfs
February	78 cfs
March	155 cfs
April	155 cfs
May	155 cfs
June	155 cfs
July	38 cfs
August	29 cfs
September	29 cfs
October	31 cfs
November	36 cfs
December	57 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 20 cfs and a cap flow of 276 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Whiskey Creek from Township 36S, Range 12E, Section 30, SE 1/4, SW 1/4 to Township 36S, Range 11E, Section 12, SE 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Whiskey Creek from Township 36S, Range 12E, Section 30, SE 1/4, SW 1/4 to Township 36S, Range 11E, Section 12, SE 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	435 cfs
February	578 cfs
March	847 cfs
April	1281 cfs
May	1296 cfs
June	726 cfs
July	348 cfs
August	260 cfs
September	289 cfs
October	348 cfs
November	378 cfs
December	427 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

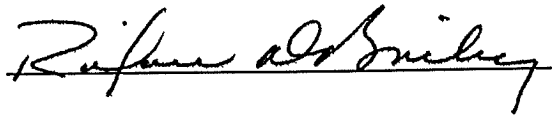
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	72 cfs
February	78 cfs
March	34 cfs
April	36 cfs
May	35 cfs
June	23 cfs
July	38 cfs
August	29 cfs
September	29 cfs
October	31 cfs
November	36 cfs
December	57 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **650**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the North Fork of the Sprague River from Township 35 S, Range 14E, Section 35 (SW1/4SW1/4) to Township 36S, Range 14E, Section 19 (NE1/4 NW1/4).

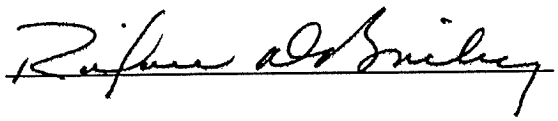
FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **651**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the North Fork of the Sprague River from Township 35S, Range 15E Section 21 (NE1/4 SW1/4) to Township 35S, Range 14E, Section 35 (SW1/4 SW1/4).

FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **652**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	50 cfs
February	50 cfs
March	20 cfs
April	20 cfs
May	20 cfs
June	50 cfs
July	50 cfs

August	38 cfs
September	38 cfs
October	41 cfs
November	47 cfs
December	50 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	94 cfs
February	103 cfs
March	220 cfs
April	220 cfs
May	220 cfs
June	220 cfs
July	50 cfs
August	38 cfs
September	38 cfs
October	41 cfs
November	47 cfs
December	75 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 38 cfs and a cap flow of 434 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Five Mile Creek from Township 35S, Range 13E, Section 25 (NW1/4 NE1/4) to Township 36S, Range 14E, Section 7 (SW1/4 NW1/4).

FINDINGS OF FACT

10. A portion of the claimed reach is not within the lands of the former Klamath reservation. The only allowed place of use is Township 35S, Range 13E, Section 25 (NW1/4 NE1/4) (upper reach boundary) down to the border of the former Klamath reservation.

11. The priority date is time immemorial.

12. The period of use is January 1 to December 31.

13. The BIA has provided information sufficient to demonstrate that maintenance of physical

habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

14. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	28 cfs
February	40 cfs
March	49 cfs
April	55 cfs
May	29 cfs
June	23 cfs
July	20 cfs
August	18 cfs
September	19 cfs
October	21 cfs
November	21 cfs
December	23 cfs

15. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

16. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

17. The place of use is LIMITED AS DESCRIBED IN PARAGRAPH 10.

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	28 cfs
February	40 cfs
March	49 cfs
April	55 cfs
May	29 cfs
June	23 cfs
July	20 cfs
August	18 cfs
September	19 cfs
October	21 cfs
November	21 cfs
December	23 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **653**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	72 cfs
February	78 cfs
March	34 cfs
April	36 cfs
May	35 cfs
June	23 cfs
July	38 cfs

August	29 cfs
September	29 cfs
October	31 cfs
November	36 cfs
December	57 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	72 cfs
February	78 cfs
March	155 cfs
April	155 cfs
May	155 cfs
June	155 cfs
July	38 cfs
August	29 cfs
September	29 cfs
October	31 cfs
November	36 cfs
December	57 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 20 cfs and a cap flow of 276 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Whiskey Creek from Township 36S, Range 12E, Section 30, SE 1/4, SW 1/4 to Township 36S, Range 11E, Section 12, SE 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Whiskey Creek from Township 36S, Range 12E, Section 30, SE 1/4, SW 1/4 to Township 36S, Range 11E, Section 12, SE 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	28 cfs
February	40 cfs
March	49 cfs
April	56 cfs
May	34 cfs
June	27 cfs
July	21 cfs
August	19 cfs
September	20 cfs
October	21 cfs
November	21 cfs
December	23 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

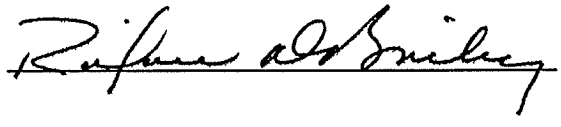
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	28 cfs
February	40 cfs
March	49 cfs
April	56 cfs
May	34 cfs
June	27 cfs
July	21 cfs
August	19 cfs
September	20 cfs
October	21 cfs
November	21 cfs
December	23 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **654**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the South Fork of the Sprague River from Township 36S, Range 14 E, Section 27 (NE1/4 SE1/4) to Township 36 S, Range 14 E, Section 19 (NE1/4 NW1/4).

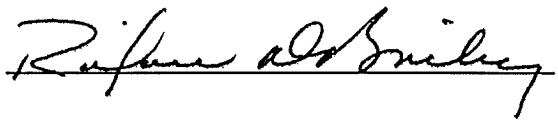
FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **655**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the South Fork of the Sprague River from Township 37S, Range 15E, Section 9 (NE1/4 SW1/4) to Township 36S, Range 14E, Section 27 (NE1/4 SE1/4).

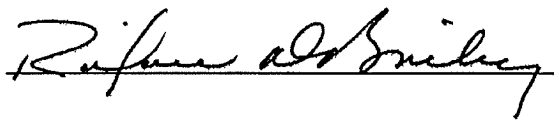
FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **656**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the South Fork of the Sprague River from Township 37S, Range 15E, Section 2 (SE1/4 NW1/4) to Township 37S, Range 15E, Section 9 (NE1/4 SW1/4).

FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **657**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is Deming Creek from Township 36S, Range 15E, Section 1 (NE1/4 NW1/4) to Township 36S, Range 14E, Section 28 (NW1/4 NW1/4).

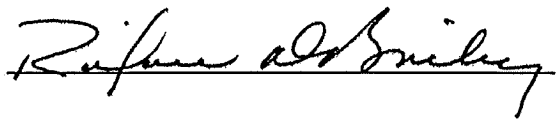
FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **658**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	115 cfs
February	400 cfs
March	400 cfs
April	400 cfs
May	400 cfs
June	333 cfs
July	93 cfs

August	10 cfs
September	29 cfs
October	34 cfs
November	77 cfs
December	87 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	115 cfs
February	413 cfs
March	1,850 cfs
April	1,850 cfs
May	1,850 cfs
June	1,850 cfs
July	93 cfs
August	10 cfs
September	29 cfs
October	34 cfs
November	77 cfs
December	87 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 165 cfs and a cap flow of 3,764 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 35S, Range 12E, Section 5 NE 1/4, SW 1/4 to Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sycan River from Township 35S, Range 12E, Section 5 NE 1/4, SW 1/4 to Township 36S, Range 12E, Section 10, NW 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	417 cfs
February	547 cfs
March	801 cfs
April	1176 cfs
May	1175 cfs
June	685 cfs
July	335 cfs
August	251 cfs
September	280 cfs
October	337 cfs
November	365 cfs
December	413 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	115 cfs
February	400 cfs
March	400 cfs
April	400 cfs
May	400 cfs
June	333 cfs
July	93 cfs
August	10 cfs
September	29 cfs
October	34 cfs
November	77 cfs
December	87 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **659**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	111 cfs
February	1160 cfs
March	711 cfs
April	847 cfs
May	888 cfs
June	321 cfs
July	90 cfs

August	9 cfs
September	28 cfs
October	33 cfs
November	74 cfs
December	84 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	111 cfs
February	399 cfs
March	1,850 cfs
April	1,850 cfs
May	1,850 cfs
June	1,850 cfs
July	90 cfs
August	9 cfs
September	28 cfs
October	33 cfs
November	74 cfs
December	84 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 152 cfs and a cap flow of 3,716 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 34S, Range 11E, Section 1 NW 1/4, SE 1/4 to Township 35S, Range 12E, Section 5, NE 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sycan River from Township 34S, Range 11E, Section 1 NW 1/4, SE 1/4 to Township 35S, Range 12E, Section 5, NE 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	40 cfs
February	50 cfs
March	109 cfs
April	271 cfs
May	286 cfs
June	81 cfs
July	16 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November	21 cfs
December	33 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	40 cfs
February	50 cfs
March	109 cfs
April	271 cfs
May	286 cfs
June	81 cfs
July	16 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November	21 cfs
December	33 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **660**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	103 cfs
February	120 cfs
March	120 cfs
April	120 cfs
May	120 cfs
June	120 cfs
July	83 cfs

August	9 cfs
September	25 cfs
October	30 cfs
November	68 cfs
December	78 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	103 cfs
February	368 cfs
March	1,800 cfs
April	1,800 cfs
May	1,800 cfs
June	1,800 cfs
July	83 cfs
August	9 cfs
September	25 cfs
October	30 cfs
November	68 cfs
December	78 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 128 cfs and a cap flow of 3,571 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 33S, Range 12E, Section 22 NE 1/4, SE 1/4 to Township 34S, Range 11E, Section 1, NW 1/4, SE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sycan River from Township 33S, Range 12E, Section 22 NE 1/4, SE 1/4 to Township 34S, Range 11E, Section 1, NW 1/4, SE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	39 cfs
February	49 cfs
March	105 cfs
April	266 cfs
May	281 cfs
June	80 cfs
July	16 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November	20 cfs
December	33 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

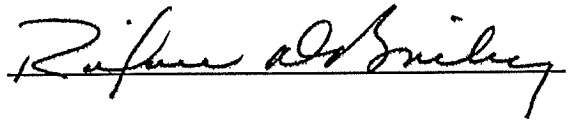
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	39 cfs
February	49 cfs
March	105 cfs
April	266 cfs
May	281 cfs
June	80 cfs
July	16 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November	20 cfs
December	33 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **661**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	102 cfs
February	120 cfs
March	160 cfs
April	160 cfs
May	160 cfs
June	120 cfs
July	82 cfs

August	9 cfs
September	25 cfs
October	30 cfs
November	68 cfs
December	77 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	102 cfs
February	365 cfs
March	1,800 cfs
April	1,800 cfs
May	1,800 cfs
June	1,800 cfs
July	82 cfs
August	9 cfs
September	25 cfs
October	30 cfs
November	68 cfs
December	77 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 126 cfs and a cap flow of 3,563 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 33S, Range 13E, Section 30 NE 1/4, NE 1/4 to Township 33S, Range 12E, Section 22, NE 1/4, SE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sycan River from Township 33S, Range 13E, Section 30 NE 1/4, NE 1/4 to Township 33S, Range 12E, Section 22, NE 1/4, SE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	26 cfs
February	34 cfs
March	81 cfs
April	238 cfs
May	260 cfs
June	67 cfs
July	5 cfs
August	0 cfs
September	2 cfs
October	6 cfs
November	9 cfs
December	21 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

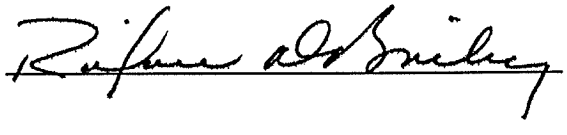
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	26 cfs
February	34 cfs
March	81 cfs
April	160 cfs
May	160 cfs
June	67 cfs
July	5 cfs
August	0 cfs
September	2 cfs
October	6 cfs
November	9 cfs
December	21 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **662**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	83 cfs
February	120 cfs
March	75 cfs
April	75 cfs
May	75 cfs
June	75 cfs
July	67 cfs

August	7 cfs
September	21 cfs
October	25 cfs
November	55 cfs
December	63 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	83 cfs
February	297 cfs
March	1,650 cfs
April	1,650 cfs
May	1,650 cfs
June	1,650 cfs
July	67 cfs
August	7 cfs
September	21 cfs
October	25 cfs
November	55 cfs
December	63 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 83 cfs and a cap flow of 3,098 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 33S, Range 13E, Section 10 NE 1/4, SW 1/4 to Township 33S, Range 13E, Section 30, NE 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Sycan River from Township 33S, Range 13E, Section 10 NE 1/4, SW 1/4 to Township 33S, Range 13E, Section 30, NE 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	22 cfs
February	27 cfs
March	57 cfs
April	197 cfs
May	225 cfs
June	62 cfs
July	4 cfs
August	0 cfs
September	2 cfs
October	5 cfs
November	8 cfs
December	19 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

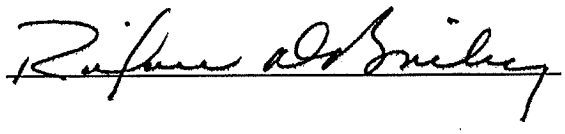
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	83 cfs
February	120 cfs
March	75 cfs
April	75 cfs
May	75 cfs
June	75 cfs
July	67 cfs
August	7 cfs
September	21 cfs
October	25 cfs
November	55 cfs
December	63 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **663**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	55 cfs
February	55 cfs
March	70 cfs
April	70 cfs
May	70 cfs
June	55 cfs
July	55 cfs

August	55 cfs
September	52 cfs
October	52 cfs
November	55 cfs
December	55 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	89 cfs
February	94 cfs
March	1,050 cfs
April	1,050 cfs
May	1,050 cfs
June	1,050 cfs
July	98 cfs
August	62 cfs
September	52 cfs
October	52 cfs
November	60 cfs
December	80 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 62 cfs and a cap flow of 1,892 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Sycan River from Township 32S, Range 14E, Section 36 (SE1/4 NE1/4) to Township 33S, Range 13E, Section 10 (NE1/4 SW1/4).

FINDINGS OF FACT

10. A portion of the claimed reach is not within the lands of the former Klamath reservation. The only allowed place of use is the Sycan River at Township 33S, Range 13E, Section 10 (NE1/4 SW1/4) (lower reach) up to the border of the former Klamath reservation.

11. The priority date is time immemorial.

12. The period of use is January 1 to December 31.

13. The BIA has provided information sufficient to demonstrate that maintenance of physical

habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

14. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) This amount is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	39 cfs
February	57 cfs
March	41 cfs
April	166 cfs
May	196 cfs
June	53 cfs
July	1 cfs
August	0 cfs
September	0.733 cfs
October	3 cfs
November	21 cfs
December	33 cfs

15. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

16. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

17. The place of use is LIMITED AS DESCRIBED IN PARAGRAPH 10.

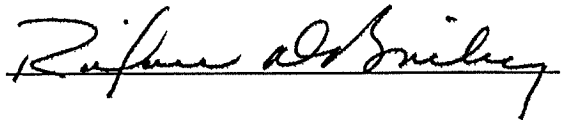
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15:

January	39 cfs
February	55 cfs
March	41 cfs
April	70 cfs
May	70 cfs
June	53 cfs
July	1 cfs
August	0 cfs
September	0.733 cfs
October	3 cfs
November	21 cfs
December	33 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **664**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is time immemorial.

6. The claimed place of use is the Sycan River from Township 33S, Range 15E (SE1/4 NE1/4) to Township 32S, Range 14E, Section 36 (SE1/4 NE1/4).

FINDINGS OF FACT

7. The claim does not lie within the boundaries of the former Klamath Reservation.

CONCLUSION

8. For the reason outlined in paragraph 7, this claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **665**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	44 cfs
February	44 cfs
March	30 cfs
April	30 cfs
May	30 cfs
June	110 cfs
July	64 cfs

August	38 cfs
September	22 cfs
October	22 cfs
November	22 cfs
December	41 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	44 cfs
February	44 cfs
March	400 cfs
April	400 cfs
May	400 cfs
June	400 cfs
July	64 cfs
August	38 cfs
September	30 cfs
October	28 cfs
November	32 cfs
December	41 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 32 cfs and a cap flow of 716 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Long Creek from Township 31S, Range 12E, Section 5 NW 1/4, NE 1/4 to Township 32S, Range 13E, Section 4, SE 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Long Creek from Township 31S, Range 12E, Section 5 NW 1/4, NE 1/4 to Township 32S, Range 13E, Section 4, SE 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	5 cfs
February	5 cfs
March	0 cfs
April	0 cfs
May	0 cfs
June	21 cfs
July	9 cfs
August	6 cfs
September	5 cfs
October	5 cfs
November	8 cfs
December	7 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	5 cfs
February	5 cfs
March	0 cfs
April	0 cfs
May	0 cfs
June	21 cfs
July	9 cfs
August	6 cfs
September	5 cfs
October	5 cfs
November	8 cfs
December	7 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **666**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	8 cfs
February	7 cfs
March	7 cfs
April	7 cfs
May	7 cfs
June	15 cfs
July	15 cfs

August	11 cfs
September	6 cfs
October	6 cfs
November	6 cfs
December	8 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	8 cfs
February	7 cfs
March	98 cfs
April	98 cfs
May	98 cfs
June	98 cfs
July	21 cfs
August	11 cfs
September	8 cfs
October	6 cfs
November	7 cfs
December	8 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 6 cfs and a cap flow of 152 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Calahan Creek from Township 30S, Range 12E, Section 34 (NW1/4 SW1/4) to Township 31S, Range 12E, Section 35 (NW1/4 SW1/4).

FINDINGS OF FACT

10. A portion of the claimed reach is not within the lands of the former Klamath reservation. The only allowed place of use is the Sycan River at Township 31S, Range 12E, Section 35 (NW1/4 SW1/4) (lower reach) up to the border of the former Klamath reservation.

11. The priority date is time immemorial.

12. The period of use is January 1 to December 31.

13. The BIA has provided information sufficient to demonstrate that maintenance of physical

habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

14. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

    a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

    b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

    Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	3 cfs
February	4 cfs
March	5 cfs
April	10 cfs
May	16 cfs
June	4 cfs
July	2 cfs
August	1 cfs
September	1 cfs
October	2 cfs
November	2 cfs
December	2 cfs

15. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

16. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

17. The place of use is LIMITED AS DESCRIBED IN PARAGRAPH 10.

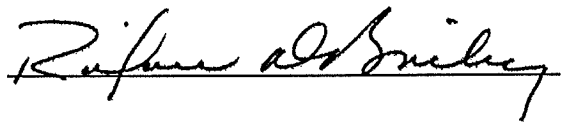
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 14.

January	3 cfs
February	4 cfs
March	5 cfs
April	10 cfs
May	16 cfs
June	4 cfs
July	2 cfs
August	1 cfs
September	1 cfs
October	2 cfs
November	2 cfs
December	2 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **667**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	10 cfs
February	10 cfs
March	6 cfs
April	6 cfs
May	6 cfs
June	10 cfs
July	10 cfs

August	10 cfs
September	3 cfs
October	3 cfs
November	3 cfs
December	10 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	14 cfs
February	13 cfs
March	105 cfs
April	105 cfs
May	105 cfs
June	105 cfs
July	31 cfs
August	17 cfs
September	12 cfs
October	11 cfs
November	11 cfs
December	13 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 4 cfs and a cap flow of 172 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Coyote Creek from Township 31S, Range 12E, Section 12 SW 1/4, SW 1/4 to Township 31S, Range 13E, Section 25, SW 1/4, SE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Coyote Creek from Township 31S, Range 12E, Section 12 SW 1/4, SW 1/4 to Township 31S, Range 13E, Section 25, SW 1/4, SE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	2 cfs
February	2 cfs
March	0 cfs
April	0 cfs
May	0 cfs
June	0 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	1 cfs
December	1 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

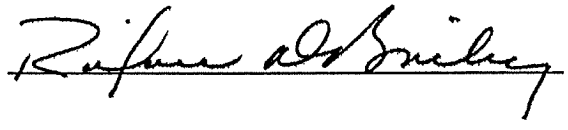
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	2 cfs
February	2 cfs
March	0 cfs
April	0 cfs
May	0 cfs
June	0 cfs
July	0 cfs
August	0 cfs
September	0 cfs
October	0 cfs
November	1 cfs
December	1 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **668**

Klamath Basin General Stream Adjudication *BIA* claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	134 cfs
July	130 cfs

August	130 cfs
September	130 cfs
October	130 cfs
November	130 cfs
December	200 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	320 cfs
February	320 cfs
March	426 cfs
April	426 cfs
May	426 cfs
June	426 cfs
July	320 cfs
August	320 cfs
September	320 cfs
October	320 cfs
November	320 cfs
December	320 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 290 cfs and a cap flow of 510 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is the Wood River from Township 33S, Range 7.5E, Section 10 SE 1/4, SW 1/4 to Township 34S, Range 7.5E, Section 13, SW 1/4, SW 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is the Wood River from Township 33S, Range 7.5E, Section 10 SE 1/4, SW 1/4 to Township 34S, Range 7.5E, Section 13, SW 1/4, SW 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	390 cfs
February	388 cfs
March	333 cfs
April	218 cfs
May	208 cfs
June	231 cfs
July	216 cfs
August	239 cfs
September	361 cfs
October	406 cfs
November	398 cfs
December	399 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

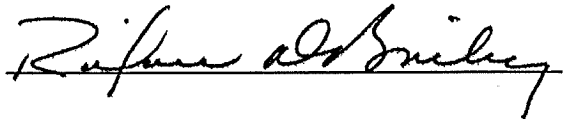
18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	200 cfs
February	200 cfs
March	200 cfs
April	200 cfs
May	200 cfs
June	134 cfs
July	130 cfs
August	130 cfs
September	130 cfs
October	130 cfs
November	130 cfs
December	200 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **669**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	100 cfs
February	100 cfs
March	100 cfs
April	100 cfs
May	100 cfs
June	100 cfs
July	100 cfs

August	100 cfs
September	100 cfs
October	100 cfs
November	100 cfs
December	100 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	100 cfs
February	100 cfs
March	107 cfs
April	107 cfs
May	107 cfs
June	107 cfs
July	100 cfs
August	100 cfs
September	100 cfs
October	100 cfs
November	100 cfs
December	100 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 92 cfs and a cap flow of 178 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Crooked Creek from Township 33S, Range 7.5E, Section 26 NW 1/4, NE 1/4 to Township 34S, Range 7.5E, Section 24, NW 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Crooked Creek from Township 33S, Range 7.5E, Section 26 NW 1/4, NE 1/4 to Township 34S, Range 7.5E, Section 24, NW 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	84 cfs
February	84 cfs
March	93 cfs
April	91 cfs
May	77 cfs
June	75 cfs
July	70 cfs
August	74 cfs
September	75 cfs
October	90 cfs
November	90 cfs
December	89 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	84 cfs
February	84 cfs
March	93 cfs
April	91 cfs
May	77 cfs
June	75 cfs
July	70 cfs
August	74 cfs
September	75 cfs
October	90 cfs
November	90 cfs
December	89 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **670**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1997.

4. For physical habitat maintenance the BIA claims the following amounts:

January	103 cfs
February	103 cfs
March	103 cfs
April	103 cfs
May	103 cfs
June	103 cfs
July	103 cfs

August	103 cfs
September	103 cfs
October	103 cfs
November	103 cfs
December	103 cfs

5. For riparian habitat maintenance the BIA claims the following amounts:

January	103 cfs
February	103 cfs
March	115 cfs
April	115 cfs
May	115 cfs
June	115 cfs
July	103 cfs
August	103 cfs
September	103 cfs
October	103 cfs
November	103 cfs
December	103 cfs

6. For structural habitat maintenance the BIA claims a trigger flow of 94 cfs and a cap flow of 126 cfs.

7. The claimed period of use is January 1 to December 31.

8. The claimed priority date is time immemorial.

9. The claimed place of use is Fort Creek from Township 33S, Range 7.5E, Section 23 NW 1/4, NE 1/4 to Township 33S, Range 7.5E, Section 34, NE 1/4, NE 1/4.

FINDINGS OF FACT

10. The claimed reach is within the lands of the former reservation.

11. The priority date is time immemorial.

12. The place of use is Fort Creek from Township 33S, Range 7.5E, Section 23 NW 1/4, NE 1/4 to Township 33S, Range 7.5E, Section 34, NE 1/4, NE 1/4.

13. The period of use is January 1 to December 31.

14. The BIA has provided information sufficient to demonstrate that maintenance of physical habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979.

15. The quantity of water needed to protect the physical habitat component of the Klamath Tribes' treaty rights for hunting and fishing is that amount of unconsumed water flowing through the above-described reach as of September 27, 1979, the date of the District Court decision in *United States v. Adair*, 478 F. Supp. 336 (1979), or the quantity of water claimed by the BIA for physical habitat maintenance flows, whichever is less.

a) Unconsumed water is calculated as that amount of natural stream flow present in the above-described reach minus the consumptive uses as of September 27, 1979.

b) Consumptive uses are determined by multiplying irrigated acreage times crop water needs (by crop type) over irrigation application efficiency using data provided by the United States Geological Survey and Oregon State University.

Analysis of unconsumed water flowing as of September 27, 1979 through the above-described reach yields the following results:

January	82 cfs
February	82 cfs
March	82 cfs
April	71 cfs
May	47 cfs
June	35 cfs
July	31 cfs
August	38 cfs
September	50 cfs
October	74 cfs
November	83 cfs
December	83 cfs

16. The BIA has provided information sufficient to demonstrate that maintenance of riparian habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

17. The BIA has provided information sufficient to demonstrate that maintenance of structural habitat is necessary to protect treaty fish and wildlife resources. The BIA has not provided sufficient information to demonstrate that the amount claimed for this component of the claim is the minimum amount necessary to protect treaty fish and wildlife resources as they existed in 1979. The record does not include other information that would allow the adjudicator to determine the minimum amount necessary for this purpose.

CONCLUSIONS

18. The amount of water claimed to support the physical habitat component of the Klamath treaty right for hunting and fishing is APPROVED AS DESCRIBED IN PARAGRAPH 15.

January	82 cfs
February	82 cfs
March	82 cfs
April	71 cfs
May	47 cfs
June	35 cfs
July	31 cfs
August	38 cfs
September	50 cfs
October	74 cfs
November	83 cfs
December	83 cfs

19. The claim to support the riparian habitat component of the Klamath treaty right for hunting and fishing is DENIED.

20. The claim to support the structural habitat component of the Klamath treaty right for hunting and fishing is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **671**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1999.

4. For physical habitat maintenance the BIA claims the following amounts:

January	700 cfs
February	700 cfs
March	700 cfs
April	700 cfs
May	700 cfs
June	700 cfs
July	700 cfs

August	700 cfs
September	700 cfs
October	700 cfs
November	700 cfs
December	700 cfs

5. The claimed period of use is January 1 to December 31.

6. The claimed priority date is time immemorial.

7. The claimed place of use is the Klamath River from Township 40S, Range 7E, Section 6 SW 1/4, NW 1/4 to Township 41S, Range 5E, Section 13, NE 1/4, NW 1/4.

FINDINGS OF FACT

8. This claim is for future use "to support an anadromous fishery when salmon are reintroduced to the Upper Klamath Basin" on relicensing of Klamath dams. Letter to Dick Bailey from BIA, March 26, 1999 (pp. 24-25).

9. Anadromous fish have not inhabited the Klamath River in Oregon since before 1979, the date of *United States v. Adair*, 478 F. Supp. 336 (1979).

CONCLUSIONS

10. Because the Tribes' hunting and fishing rights protect the treaty resources as they existed at the time of *United States v. Adair*, 478 F. Supp. 336 (1979), the Tribes are not entitled to an instream flow to support anadromous fish.

11. This claim is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **672**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1999.

4. For physical habitat maintenance the BIA claims the following amounts:

January	700 cfs
February	700 cfs
March	700 cfs
April	700 cfs
May	700 cfs
June	700 cfs
July	700 cfs

August	700 cfs
September	700 cfs
October	700 cfs
November	700 cfs
December	700 cfs

5. The claimed period of use is January 1 to December 31.

6. The claimed priority date is time immemorial.

7. The claimed place of use is the Klamath River from Township 39S, Range 7E, Section 36 SW 1/4, NW 1/4 to Township 39S, Range 7E, Section 29, SE 1/4, NE 1/4.

FINDINGS OF FACT

8. This claim is for future use "to support an anadromous fishery when salmon are reintroduced to the Upper Klamath Basin" on relicensing of Klamath dams. Letter to Dick Bailey from BIA, March 26, 1999 (pp. 24-25).

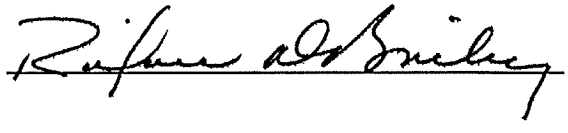
9. Anadromous fish have not inhabited the Klamath River in Oregon since before 1979, the date of *United States v. Adair*, 478 F. Supp. 336 (1979).

CONCLUSIONS

10. Because the Tribes' hunting and fishing rights protect the treaty resources as they existed at the time of *United States v. Adair*, 478 F. Supp. 336 (1979), the Tribes are not entitled to an instream flow to support anadromous fish.

11. This claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **673**
BIA claim

Claimant(s) of Record:

United States of America
Bureau of Indian Affairs (BIA) as
Trustees on behalf of the Klamath Tribes
911 NE 11th Ave.,
Portland, OR 97232

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM IN SUPPORT OF THE KLAMATH TRIBES' HUNTING AND FISHING RIGHT

1. Claims for instream flow to fulfill the purposes of the Klamath Tribes' treaty rights for hunting and fishing are proper if the record shows that the claimed amount is the minimum quantity of water necessary to protect treaty fish and wildlife resources as they existed in 1979, the year of the District Court decision *United States v. Adair*, 478 F. Supp. 336 (1979).

2. Claims are proper if they are within the boundaries of the former Klamath reservation or are within boundary waters of the former Klamath reservation.

CLAIM INFORMATION

3. The claim was filed on April 30, 1999.

4. For physical habitat maintenance the BIA claims the following amounts:

January	700 cfs
February	700 cfs
March	700 cfs
April	700 cfs
May	700 cfs
June	700 cfs
July	700 cfs

August	700 cfs
September	700 cfs
October	700 cfs
November	700 cfs
December	700 cfs

5. The claimed period of use is January 1 to December 31.

6. The claimed priority date is time immemorial.

7. The claimed place of use is the Klamath River from Township 38S, Range 9E, Section 30 NW 1/4, SE 1/4 to Township 38S, Range 9E, Section 32, NE 1/4, SW 1/4.

FINDINGS OF FACT

8. This claim is for future use "to support an anadromous fishery when salmon are reintroduced to the Upper Klamath Basin" on relicensing of Klamath dams. Letter to Dick Bailey from BIA, March 26, 1999 (pp. 24-25).

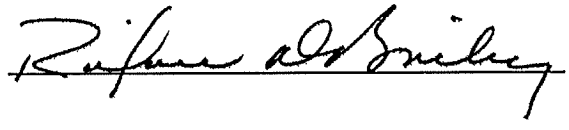
9. Anadromous fish have not inhabited the Klamath River in Oregon since before 1979, the date of *United States v. Adair*, 478 F. Supp. 336 (1979).

CONCLUSIONS

10. Because the Tribes' hunting and fishing rights protect the treaty resources as they existed at the time of *United States v. Adair*, 478 F. Supp. 336 (1979), the Tribes are not entitled to an instream flow to support anadromous fish.

11. This claim is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

SECTION VI
KLAMATH TRIBES

KBA_APP_135312

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **613**
BIA claim

Claimant(s) of Record:

The Klamath Tribes
Box 436
Chiloquin, Oregon 97624

CLAIM INFORMATION

1. The claim was filed on April 29, 1997.

2. The claim incorporates by reference claims made by the United States Bureau of Indian Affairs as trustee on behalf of the Tribes.

3. Priority date claimed is October 14, 1864.

CONCLUSION

4. See claims 622 through 673 filed by the United States Bureau of Indian Affairs as trustee on behalf of the Klamath Tribes.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **614**
BIA claim

Claimant(s) of Record:

The Klamath Tribes
Box 436
Chiloquin, Oregon 97624

CLAIM INFORMATION

1. The claim was filed on April 29, 1997.

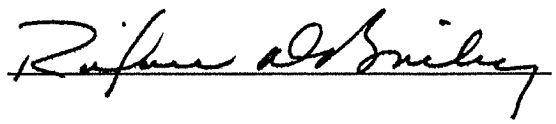
2. The claim incorporates by reference claims made by the United States Bureau of Indian Affairs as trustee on behalf of the Tribes.

3. Priority date claimed is October 14, 1864.

CONCLUSION

4. See claims 622 through 673 filed by the United States Bureau of Indian Affairs as trustee on behalf of the Klamath Tribes.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **615**
BIA claim

Claimant(s) of Record:

The Klamath Tribes
Box 436
Chiloquin, Oregon 97624

CLAIM INFORMATION

1. The claim was filed on April 29, 1997.

2. The claim incorporates by reference claims made by the United States Bureau of Indian Affairs as trustee on behalf of the Tribes.

3. Priority date claimed is October 14, 1864.

CONCLUSION

4. See claims 622 through 673 filed by the United States Bureau of Indian Affairs as trustee on behalf of the Klamath Tribes.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **616**
BIA claim

Claimant(s) of Record:

The Klamath Tribes
Box 436
Chiloquin, Oregon 97624

CLAIM INFORMATION

1. The claim was filed on April 29, 1997.

2. The claim incorporates by reference claims made by the United States Bureau of Indian Affairs as trustee on behalf of the Tribes.

3. Priority date claimed is October 14, 1864.

CONCLUSION

4. See claims 622 through 673 filed by the United States Bureau of Indian Affairs as trustee on behalf of the Klamath Tribes.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135317

SECTION VII
OTHER FED. CLAIMS

KBA_APP_135318

U.S. FOREST SERVICE

KBA_APP_135319

HARDY MYERS
Attorney General

DAVID SCHUMAN
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: August 17, 1999

TO: Richard Bailey, Adjudicator
Water Resources Department

FROM: Walter Perry, Assistant Attorney General
Natural Resources Section

Meg Reeves, Assistant Attorney General
Natural Resources Section

SUBJECT: Klamath Adjudication/ Forest Service Claims

The United States Forest Service has made claims in the Klamath Basin Adjudication for reserved water rights under the Organic Act of 1897, 16 USC §§ 471a-539k, the Multiple Use Sustained Yield Act (MUSYA), 16 USC §§ 528-531, the Wilderness Act, 16 USC §§ 1131-1136 and the Wild and Scenic Rivers Act, 16 USC §§ 1271-1286. You have asked for our assessment of the Forest Service's entitlement to reserved water rights under these statutes. Based on our assessment of the applicable law at this stage of this proceeding we conclude that, with some qualification, the Forest Service may be awarded reserved water rights under the Organic Act, the Wilderness Act and the Wild and Scenic Rivers Act. The weight of authority indicates that the Forest Service is not entitled to reserved water rights under MUSYA.

We emphasize that our advice is preliminary, and may change based on arguments presented by claimants and others during the course of the adjudication.

I. Federal Reserved Water Rights Generally

When the United States reserves land for particular purposes, it implicitly reserves sufficient water to accomplish those purposes. *Winters v. United States*, 207 US 564, 577 (1908). The reservation is for "only that amount of water necessary to fulfill the purpose of the reservation, no more." *Cappaert v. United States*, 426 US 128, 141 (1976). In addition, water is reserved only to meet the "primary" purpose of the reservation, not "secondary" purposes. *United States v. New Mexico*, 438 US 696, 715 (1978). Evaluation of a claim based on an implied reservation of water requires examination of the specific purposes for which the land was reserved, and a determination that "without the water the purposes of the reservation would

1162 Court Street NE, Salem, OR 97310 Telephone: (503) 378-4409 Fax: (503) 378-3802 TTY: (503) 378-5938

be entirely defeated." *Id.* at 700. The primary purposes of a federal reservation are determined by examining the legislation or executive order that established the reservation.

The United States may also expressly reserve water for particular purposes. Congress appears to have done so in the Wild and Scenic Rivers Act, discussed below.

II. The Organic Act

The Organic Act, 16 USC §§ 471a-539k, authorized the President to establish national forests. The Organic Act provides:

> No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States * * *

16 USC § 475.

The Organic Act sets forth two primary purposes for which water may be claimed: 1) to secure favorable conditions of water flows; and 2) to furnish a continuous supply of timber. *See also New Mexico,* 438 US at 718 ("Congress intended that water would be reserved [under the Organic Act] only where necessary to preserve the timber or to secure favorable water flows for private and public uses under state law").

For the purpose of furnishing a continuous supply of timber the Forest Service has made claims for administration, road watering, domestic uses, fire-fighting flows, and firebreak flows. The Forest Service may be entitled to reserved water rights for these uses if they are shown to be necessary to achieve the stated purpose. For example, in order to manage the forest, and thus to furnish a continuous supply of timber, the Forest Service must perform number of administrative functions. If the Forest Service has office buildings within the forests to support its functions, the Forest Service would be entitled to water for domestic uses in those buildings. The Forest Service also maintains a network of roads to facilitate harvesting, planting, monitoring, and forest fighting. Dust control may be necessary to use these roads effectively.

Likewise the Forest Service must, in order to furnish a continuous supply of timber, prevent and fight forest fires. The Idaho Supreme Court has stated that "[t]he control and prevention of forest fires is an integral part of the greater purpose of timber protection and a purpose clearly contemplated by Congress." *Avondale Dist. v. North Idaho Props.*, 577 P2d 9, 18 (1978). Diverting water from a stream to fight fires would clearly fall within this purpose. In addition, the Forest Service may be able to demonstrate the necessity for instream flows as a fire barrier. *See Avondale, id.* ("fire barriers [are] of course part of the larger purpose of timber protection * * * ").

The Forest Service has also claimed an instream flow under the Organic Act for "channel maintenance." In the Snake River Basin Adjudication Judge Hurlbutt stated that such a claim

may be proper and that the United States should have "the opportunity to prove, as a factual matter, that an instream flow claim for channel maintenance in the National Forests is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users, and then to prove the minimum quantity of water which must be reserved for its fulfillment."[1] *In Re SRBA*, Organic Act Claims, Consolidated Subcase 63-25243 at 9 (Idaho Dist. Ct. Dec. 21, 1998) (memorandum decision denying the State of Idaho's motion for summary judgment); *see also United States v. Jesse,* 744 P2d 491, 493-494 (1987). Although these decisions are not binding on the Oregon courts, we believe that Judge Hurlbutt's analysis, as well as the analysis of the Colorado Supreme Court, is consistent with the United States Supreme Court's analysis in *New Mexico,* and is persuasive on this point. The Forest Service may be entitled to these flows if it makes the required scientific showing that such channel maintenance is necessary to "securing favorable conditions of water flows" and that the amount of water claimed is necessary for channel maintenance. These determinations may only be made by evaluating the specific channel maintenance claims and the material the Forest Service submitted in support of those claims.

It should be noted, finally, that instream flows for the purpose of protecting fish or wildlife are not part of the primary purposes of the forest under the Organic Act.

III. The Multiple Sustained Yield Act

The Forest Service has also made claims for instream reserved water rights under the Multiple Use Sustained Yield Act of 1960, 16 USC §§ 528-531. We think the Forest Service's claims under MUSYA are foreclosed by the decisions of the District Court and the Ninth Circuit Court of Appeals in *United States v. Adair*, 723 F2d 1394 (9th Cir. 1983), *cert den. Oregon v. United States*, 467 US 1252 (1984), by the United States Supreme Court's decision in *United States v. New Mexico,* 438 US at 718, and in the case of the claims to 1961 and 1974 priority dates, by the executive acts establishing the forest.

A. The *Adair* Decisions.

United States v. Adair, 478 F Supp 336 (D. Or. 1979), was an action brought by the United States, through the Forest Service and the Fish and Wildlife Service, for a declaration of water rights of parties "with interests in the former [Klamath] Reservation lands to use of the waters of the Williamson River system[.]" *Id.* at 339. The District Court determined that the Forest Service was not entitled to reserved water rights on the Winema National Forest under MUSYA. The court held that "[t]he Government is only entitled to water which was unappropriated when the forest lands were reserved and which is essential for timber production and conservation of water flow." *Id.* at 348. The United States did not seek review of that declaration. *United States v. Adair,* 723 F2d at 1417 n. 29.

[1] The state of Idaho has appealed Judge Hurlbutt's decision to the Idaho Supreme Court.

The *Adair* decisions establish that the Forest Service is not entitled to flows to serve MUSYA purposes, but is entitled to flows necessary to serve Organic Act purposes, on the portions of the Winema National Forest that lie within the Williamson River system.

B. *United States v. New Mexico.*

MUSYA, enacted in 1960, provided for broader purposes for federal forests:

> It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. * * *

16 USC § 528.

In *United States v. New Mexico*, the United States Supreme Court concluded that passage of MUSYA did not change the primary purposes of a forest created before MUYSA, and consequently that no additional reserved rights attached to those forests. 438 US at 715. The United States has nonetheless claimed reserved rights for MUSYA purposes on many stream segments, with a priority date of June 12, 1960, the effective date of MUSYA. The United States apparently reads the *New Mexico* decision to hold only that the enactment of MUSYA did not create new reserved rights with the priority date of the original reservation.

We do not believe the *New Mexico* court left room for such a claim. The court observed, without any temporal limitation, that by enacting MUSYA "Congress did not intend to * * * expand the reserved rights of the United States." *Id.* at 713. The court observed further that "Congress did not intend in enacting the Multiple-Use Sustained-Yield Act of 1960 to reserve water for the *secondary* purposes there established." *Id.* at 714 (emphasis in original). Nothing in the court's opinion lends credence to the position that by enactment of MUSYA, Congress itself reserved water for existing national forests, either as of the date of the enactment or as of any other date.

C. The 1961 and 1974 Claims

The United States advances an additional argument with respect to entitlement to MUSYA flows for portions of the Winema National Forest that were created in 1961 and 1974 from former Klamath Reservation lands. With respect to national forests created after enactment of MUSYA, the *New Mexico* court stated "We intimate no view as to whether Congress, in the 1960 Act, authorized the subsequent reservation of national forests out of public lands to which a broader doctrine of reserved water rights might apply." *Id.* at 715 n. 22. With that statement, the court apparently left open the possibility that national forests established after the enactment of MUSYA *could* have as primary purposes those authorized under MUSYA. The United States argues that the portions of the Winema Forest established in 1961 and 1974, after the passage of MUSYA, are entitled to MUSYA flows, with the reservation date as the priority date.

Assuming for the sake of analysis that the *Adair* decisions did not foreclose this claim, we do not believe the United States is entitled to these claimed MUSYA flows. Even if MUSYA authorized the executive branch to set aside lands with MUSYA purposes as primary purposes, we have not found any persuasive evidence suggesting that the lands at issue were reserved for MUSYA purposes. The former tribal lands were dedicated to forest purposes in 1961 and 1974, but the controlling documents do not indicate the intent to reserve the lands for MUSYA purposes.

For the foregoing reasons, we conclude that none of the Forest Service lands are entitled to reserved water rights under MUSYA.

IV. Wilderness Areas

In 1964 Congress passed the Wilderness Act, 16 USC §§ 1131-1136, establishing the National Wilderness Preservation System, under which designated lands are to be administered "for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness * * * " 16 USC § 1131(a). These lands were to be devoted to the public purposes of recreational, "scientific, educational, scenic or historical value." 16 USC § 1131 (c)(2), (4). The wilderness designation is unique in that it may apply to lands which have already been reserved under some other designation, such as national forest lands.

The courts that have considered the question have concluded that the Wilderness Act was intended to reserve water for designated wilderness areas. *Sierra Club v. Block*, 622 F Supp 842, 858 (D. Colo. 1985) and *Sierra Club v. Lyng*, 661 F Supp 1490, 1500 (D. Colo. 1987), *both vacated for lack of ripeness, Sierra Club v. Yeutter*, 911 F2d 1405 (10th Cir. 1990); *In Re SRBA*, Wilderness Act, MUSYA and HCNRA Claims, Consolidated Subcases 75-13605, 63-25239, and 79-13597, at 11 (Idaho Dist. Ct. Dec. 18, 1997) (order granting and denying United States' motions for summary judgment on reserved water rights claims). Based on the analysis in these opinions we think it likely that the Forest Service is entitled to a reserved right for these areas. The priority date would be the date of the enactment creating the wilderness area: September 3, 1964 for Mountain Lakes and Gearheart Wilderness Areas, and June 26, 1984 for Mount Thielsen and Sky Lakes Wilderness Areas. The primary purpose of the right is to protect the area in its natural condition, or at least in the condition that existed at the time of the designation, for recreational, scenic, scientific, educational, conservation and historic use. Therefore, the Forest Service could reasonably claim all of the water that had not been appropriated at the time of the wilderness designation.

V. Wild and Scenic Rivers

The Wild and Scenic Rivers Act established the national policy that certain rivers with outstanding values shall be preserved in free-flowing condition, and that they shall be protected for the benefit and enjoyment of present and future generations. 16 USC §§ 1271-1286, 1271. The Act's purpose is to implement that policy through the creation of a National Wild and Scenic River system. 16 USC § 1272. The Act expressly reserves water for that purpose:

> Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this chapter, or in quantities greater than necessary to accomplish these purposes.

16 USC § 1284(c).

The Forest Service is entitled to a reserved right for the amount of water necessary to accomplish the purposes for which each wild and scenic reach was created. *See In Re SRBA*, Wild & Scenic River Claims, Consolidated Subcase 75-13316, at 8-11 (Idaho Dist. Ct.. July 27, 1998) (memorandum decision granting, in part, and denying, in part, the United States' motion for summary judgment on reserved water rights claims). The designated rivers for which reserved water rights are claimed by the Forest Service (Sprague and Sycan) are single purpose reaches. The Sprague was designated as a "scenic" river. The Sycan was set aside in three segments, two of them for scenic purposes and one for recreation purposes. The proper amount to award the Forest Service is the minimum amount needed to achieve these purposes. It appears from the filing, however, that the Forest Service based the amounts claimed on the amounts necessary to protect fish resources. *See* Claims 97-524; 97-525; 97-526. In order to support these claims the Forest Service must demonstrate why these flows are needed to protect the designated values, which do not include fish resources.

VI. Conclusion

We recommend that the department recognize Forest Service reserved rights based on the Organic Act, the Wild and Scenic Rivers Act, and the Wilderness Act, but not the Multiple-Use Sustained-Yield Act.

Attached is a breakdown of the Forest Service land types, and the recommended priority date and primary purposes.

MRR:mrr:ejt/GEN17074

Forest Service Land Status Codes

Land Status Code: A
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest
History: Cascade – Crater – Rogue - Winema
Priority Date: June 4, 1897 (Date of Organic Act)
Primary Purposes: Organic Act Purposes

Land Status Code: B
Description: Land added by the Proclamation of March 2, 1907 to the Cascade Forest Reserve
History: Cascade – Crater – Rogue - Winema
Priority Date: March 2, 1907
Primary Purposes: Organic Act Purposes

Land Status Code: C
Description: Land added by the Proclamation of January 25, 1907 to the Cascade Forest Reserve
History: Cascade – Crater – Paulina – Crater - Rogue - Winema
Priority Date: January 25, 1907
Primary Purposes: Organic Act Purposes

Land Status Code: D
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Forest Reserve
History: Cascade – Crater – Paulina – Crater - Rogue - Winema
Priority Date: June 4, 1897 (Date of Organic Act)
Primary Purposes: Organic Act Purposes

Land Status Code: E
Description: Land added by the Proclamation of September 17, 1906 to the Fremont Forest Reserve
History: Fremont – Paulina – Fremont - Winema
Priority Date: September 17, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: F
Description: Land added by the Proclamation of January 25, 1907 to the Cascade Forest Reserve
History: Cascade – Paulina - Winema
Priority Date: January 25, 1907
Primary Purposes: Organic Act Purposes

Land Status Code: G
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Forest Reserve
History: Cascade – Paulina – Deschutes - Winema
Priority Date: June 4, 1897 (date of Organic Act)
Primary Purposes: Organic Act Purposes

Land Status Code: H
Description: Land added by the Proclamation of April 15, 1961 to the Winema National Forest
History: Tribal - Winema
Priority Date: April 15, 1961
Primary Purposes: Organic Act Purposes

Land Status Code: I
Description: Land added by the Declaration of taking of November 15, 1974 for the Winema National Forest
History: Tribal - Winema
Priority Date: November 15, 1974
Primary Purposes: Organic Act Purposes

Land Status Code: J
Description: Land added by the Proclamation of September 17, 1906 to the Fremont Forest Reserve
History: Fremont – Paulina – Fremont - Winema
Priority Date: September 17, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: K
Description: Land added by the Act of May 14, 1930 to the Fremont Forest Reserve
History: Fremont – Winema
Priority Date: May 14, 1930
Primary Purposes: Organic Act Purposes

Land Status Code L: NOT USED

Land Status Code: M
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Forest Reserve
History: Cascade – Paulina – Crater - Rogue - Winema
Priority Date: June 4, 1897 (Date of Organic Act)
Primary Purposes: Organic Act Purposes

KBA_APP_135327

Land Status Code: N
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Forest Reserve
History: Cal and Oregon RR - Cascade – Crater - Rogue - Winema
Priority Date: June 4, 1897 (Date of Organic Act)
Primary Purposes: Organic Act Purposes

Land Status Code: O
Description: Land added by the Order Exchanging Administrative Jurisdiction of June 21, 1956
History: Cal and Oregon RR - Winema
Priority Date: June 21, 1956
Primary Purposes: Organic Act Purposes

Land Status Code: P : **NOT USED**

Land Status Code: Q
Description: Land added by the Proclamation of January 25, 1907 to the Cascade Forest Reserve
History: Cascade – Paulina –Deschutes -Fremont- Winema
Priority Date: January 25, 1907
Primary Purposes: Organic Act Purposes

Land Status Code: R
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Thielsen Wilderness Area
History: Cascade – Paulina – Deschutes – Winema – Thielsen Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act) (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: S
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Mountain Lakes Wilderness Area
History: Cascade – Rogue – Winema – Mountain Lakes Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act) (2) September 3, 1964 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: T
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Mountain Lakes Wilderness Area
History: California and Oregon Railroad - Cascade – Rogue – Winema – Mountain Lakes Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act) (2) September 3, 1964 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: U
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Sky Lakes Wilderness Area
History: Cascade – Crater – Rogue – Winema – Sky Lakes Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act) (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: V
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Sky Lakes Wilderness Area
History: California and Oregon Railroad - Cascade – Crater - Rogue – Winema – Sky Lakes Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act) (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: W
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve and made part of the Gearhart Wilderness Area
History: Goose Lake – Fremont(?) – Gearhart Wilderness
Priority Date: (1) August 21, 1906(?) (2) September 3, 1964 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: X
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Mount Thielsen Wilderness Area
History: Cascade – Paulina -Crater – Rogue – Winema – Mount Thielson Wilderness
Priority Date: (1) June 4, 1897 (Date of Organic Act)) (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: Y
Description: Land added by the Proclamation of September 28, 1893 to the Cascade Range Forest and made part of the Mount Thielsen Wilderness Area
History: Cascade – Paulina -Crater – Rogue – Winema – Mount Thielson
Priority Date: (1) June 4, 1897 (Date of Organic Act)) (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: Z
Description: Land added by the Proclamation of January 25, 1907 to the Cascade Range Forest and Forest and made part of the Mount Thielsen Wilderness Area
History: Cascade – Paulina – Rogue – Mount Thielson
Priority Date: (1) January 25, 1907 (2) June 26, 1984 (Wilderness Act)
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

Land Status Code: AA
Description: Land added by the Proclamation of September 17, 1906 to the Fremont Forest Reserve
History: Fremont
Priority Date: September 17, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: BB
Description: Land added by the Proclamation of October 14, 1935 to the Fremont Forest Reserve
History: Fremont
Priority Date: October 14, 1935
Primary Purposes: (1) Organic Act Purposes; (2) production of timber, protection of stream flow, regulation and improvement of grazing resources

Land Status Code: CC
Description: Land reserved for forest purposes by the Proclamation of April 15, 1961 st
History: Tribal - Winema
Priority Date: April 15, 1961
Primary Purposes: Organic Act Purposes

Land Status Code: DD
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve
History: Goose Lake –Fremont
Priority Date: August 21, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: EE
Description: Land added by the Proclamation of September 17, 1906 to the Fremont Forest Reserve
History: Fremont –Paulina - Fremont
Priority Date: September 17, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: FF
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve and designated on October 28, 1988 as a Wild and Scenic River
History: Goose lake –Fremont - Sprague
Priority Date: (1) August 21, 1906 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic Rivers Act Purposes (scenic)

Land Status Code: GG
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve and designated on October 3, 1988 as a Wild and Scenic River
History: Goose Lake –Fremont - Sprague
Priority Date: (1) August 21, 1906 (2) October 3, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic Rivers Act Purposes (scenic)

Land Status Code: HH
Description: Land added by the Proclamation of October 14, 1935 to the Fremont National Forest Reserve and designated on October 28, 1988 as a Wild and Scenic River
History: Fremont - Sprague
Priority Date: (1) October 14, 1935 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic Rivers Act Purposes

Land Status Code: II - NOT USED

Land Status Code: JJ
Description: Land added by the Order Exchanging Administrative Jurisdiction of June 21, 1956
History: Cal and Oregon RR - Winema
Priority Date: June 21, 1956
Primary Purposes: Organic Act Purposes

Land Status Code: KK
Description: Land added by the Proclamation of April 24, 1906 to the Ashland Forest Reserve
History: Ashland – Crater – Rogue - Klamath
Priority Date: April 24, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: LL – NOT USED

Land Status Code: MM
Description: Land added by the Proclamation of April 24, 1906 to the Ashland Forest Reserve
History: Ashland – Crater – Rogue - Klamath
Priority Date: April 24, 1906
Primary Purposes: Organic Act Purposes

Land Status Code: NN
Description: Land added by the Order Exchanging Administrative Jurisdiction of June 4, 1936
History: Cal and Oregon RR - Rogue - Klamath
Priority Date: June 4, 1936
Primary Purposes: Organic Act Purposes

Land Status Code: OO
Description: Land added by the Proclamation of March 2, 1907 to the Ashland Forest Reserve
History: Ashland – Crater - Klamath
Priority Date: March 2, 1907
Primary Purposes: Organic Act Purposes

Land Status Code: PP – NOT USED

Land Status Code: QQ- NOT USED

Land Status Code: RR
Description: Land added by the Proclamation of September 17, 1906 to the Fremont Forest Reserve and designated on October 28, 1988 as a Wild and Scenic River
History: Fremont - Sycan
Priority Date: (1) September 17, 1906 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic River Act Purposes (scenic)

Land Status Code: SS
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve and designated on October 28, 1988 as a Wild and Scenic River
History: Goose Lake - Fremont - Sycan
Priority Date: (1) August 21, 1906 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic River Act Purposes (scenic)

Land Status Code: TT
Description: Land added by the Proclamation of October 14, 1935 to the Fremont National Forest and designated on October 28, 1988 as a Wild and Scenic River
History: Fremont - Sycan
Priority Date: (1) October 14, 1935 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic River Act Purposes (scenic)

Land Status Code: UU
Description: Land reserved for forest purposes by the Proclamation of April 15, 1961 and designated on October 28, 1988 as a Wild and Scenic River
History: Tribal -Fremont - Sycan
Priority Date: (1) April 15, 1961 (2) October 28, 1988
Primary Purposes: (1) Organic Act Purposes (2) Wild and Scenic River Act Purposes (scenic)

Land Status Code: WW
Description: Land added by the Proclamation of August 21, 1906 to the Goose Lake Forest Reserve and designated on June 26, 1984 as the Gearheart Wilderness Area
History: Goose Lake – Fremont - Gearheart
Priority Date: (1) August 21, 1906 (2) June 26, 1984
Primary Purposes: (1) Organic Act Purposes (2) Wilderness Act Purposes

WNP:ejt/GEN16826

KBA_APP_135334

KBA_APP_135335

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **377**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Abbot Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	NE SE 19 40 S 1 E
Little Ivy Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE SE 20 40 S 1 E
Mill Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE SE 27 40 S 1 E
Costello Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SW SW 27 40 S 1 E
Mouse Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	NW NW 29 40 S 1 E
W.Fk.Grouse	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE NE 29 40 S 1 E
West Branch	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW NE 35 40 S 1 W
Long John Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE SW 1 41 S 1 W

Drip Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE NW	1	41 S	1 W
Long John Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW NE	1	41 S	1 W
Little Joel Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW NE	12	41 S	1 W
Cow Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	14	41 S	1 W
King Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW SE	15	41 S	1 W
W.Br LngJohn	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW SE	2	41 S	1 W
Red Mtn. Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	3	41 S	1 W
Slow Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE NW	3	41 S	1 W
Cow Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE SW	4	41 S	1 W
Cow Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW NW	8	41 S	1 W
Cottage Glade	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW SE	8	41 S	1 W
Cottage Glade	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW SW	9	41 S	1 W
Cow Glade	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	13	41 S	2 W
TOTAL			0.501					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.

8. The portion of the claim for Organic Act purposes is APPROVED.

9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **378**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Cat Sunk Cr.	rd./fire prot.	5/1 - 11/1	0.223	5-14-1930	SE NE	23	26 S	9 E
WFk Jack Cr\ Binwall	rd./fire prot.	5/1 - 11/1	1.114	5-14-1930	NW NW	33	26 S	9 E
Crooked Mdw Binwall	rd./fire prot.	5/1 - 11/1	0.557	5-14-1930	LOT 1	19	26 S	10 E
Pumice Puddle	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SE NE	30	26 S	10 E
Johnson Mdw stock tank	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SE NE	01	27 S	9 E

Johnson Mdw spring	rd./fire prot	5/1 - 11/1	0.06	5-14-1930	SW NE	01	27 S 9 E
Jack Cr. Div.	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SW SE	2	27 S 9 E
Jack Cr.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	NE SE	19	27 S 10 E
Helens Hot Spot	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SW NW	20	27 S 10 E
S. Davis Flat	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE SE	32	27 S 10 E
Cleary Pond	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SW SE	2	28 S 10 E
Bartley HW	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	NW NE	14	28 S 10 E
Bullfrog Spr. pond	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	SE NE	15	28 S 10 E
Lily Camp Binwall	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	NW SW	23	28 S 10 E
Deer Scaffold Spring	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	NW NE	22	29 S 10 E
Marvelous Meadow	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NE	27	29 S 10 E
Knight Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE SW	2	30 S 11 E
Jackson Cr. CG	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW SE	7	30 S 11 E
Lwr. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	7	30 S 11 E
Hoyt Ranch	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW SE	7	30 S 11 E
Mdl. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NE	8	30 S 11 E
N. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW NE	14	30 S 11 E
N. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NE	14	30 S 11 E
Lwr. Irving Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE SW	19	30 S 11 E
Upper Modoc Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NW	34	30 S 11 E
Deep Creek	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	29	31 S 11 E
Clvrt Telephone Draw	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SW	15	32 S 10 E
Wildhorse Sp.	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SW	25	33 S 10 E
Head of the River Spr.	rd./fire prot	5/1 - 11/1	1.114	4-15-1961	NE NW	9	33 S 11 E
Yamsay Res.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NE	14	33 S 11 E
Bottle Spr.Res.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	24	33 S 11 E
TOTAL			12.875 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.

8. The portion of the claim for Organic Act purposes is APPROVED.

9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Hd. of Deer Cr.	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NW NW 6 27 S 7 E
Fk. of Deer Cr.	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NE NW 10 27 S 7 E
Deer Cr. Rd. 1	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NE NW 14 27 S 7 E
Frost Pond	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW SW 21 27 S 7 E
Red Cone Spr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW NE 22 27 S 7 E
Deer Cr. Rd.2	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW NE 24 27 S 7 E
Lower Swiss Spr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	SW NW 27 27 S 7 E
Dempsey Spr. Res.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE SE 23 27 S 9 E

Miller Cr.	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	LOT 4	13 27 S	6.5 E
Miller Lake	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NW	13 27 S	6.5 E
Cottonwood Cr.	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NW	26 28 S	6 E
Tiny Creek	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NE	33 28 S	6 E
Lost Creek Spr. Culvert	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	SE SE	13 28 S	8 E
Alberta Camp	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	NW SE	24 28 S	8 E
Little Round Mdw.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE NE	1 28 S	9 E
Bootleg Spr.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SW SE	3 28 S	9 E
Coyote Spr.	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	NE SW	9 28 S	9 E
Shoestring Spr.	rd./fire prot	5/1 - 11/1	0.557	9-17-1906	NW NW	32 28 S	9 E
Rnd. Butte Pond	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	SW NE	5 29 S	9 E
Log Spring	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	SW NE	6 29 S	9 E
Narrow Creek	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	10 29 S	9 E
Middle Lane Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW NW	11 29 S	9 E
Lower Lane Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE SW	11 29 S	9 E
Lower God Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NW	13 29 S	9 E
Upper God Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	13 29 S	9 E
Pond	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NW	13 29 S	9 E
Lower Mosquito Creek	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW SE	24 29 S	9 E
Sheep Spr. Ponds	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	LOT 1	07 29 S	10 E
Bedpan Spring	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NW	32 29 S	10 E
Bear Creek	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SE SW	11 30 S	6 E
Pothole Cr. Div. 7	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SE SE	25 30 S	6 E
Pothole Cr. Div. 6	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SW SE	25 30 S	6 E
Pothole Cr. Div. 5	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	NE SE	26 30 S	6 E
Lower Bear Cr. II	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	NW NW	6 30 S	7 E
Pothole	rd./fire prot	5/1 - 11/1	0.223	4-16-1961	SW SW	27 30 S	7 E
Ora Summers Pond	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE SE	36 30 S	9 E
Blue Jay Too	rd./fire prot	5/1 - 11/1	1.114	4-16-1961	NW SE	33 30 S	10 E
Blue Jay Spr.	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	NW NE	33 30 S	10 E
Scott Cr. Camp	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW SE	18 31 S	7 E
Skellock Draw	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	NW SE	13 31 S	9 E
John Cole Spr.	rd./fire prot	5/1 - 11/1	0.06	4-16-1961	NW SE	33 31 S	9 E
Skellock Creek	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SE NW	9 31 S	10 E
Meadow Cr.	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SE SE	21 31 S	9 E
Upper Scott Cr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	SE NW	10 31 S	7.5 E
Yoss Creek	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SW NE	8 32 S	9 E
TOTAL			20.117 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.

8. The portion of the claim for Organic Act purposes is APPROVED.

9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **380**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Boundary Bte. Springs	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SE	17	32 S	7 E
Egan Spring	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW NE	21	32 S	7 E
Unnmd pond	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NE SE	24	32 S	8 E
Dice Crane Sp.	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	24	32 S	7 E
Hog Creek	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	SW NW	27	32 S	8 E
Spring	rd./fire prot	4/1 - 11/1	0.557	4-15-1961	SW NW	8	32 S	9 E
Recovery Spr.	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	17	32 S	9 E

Whitehouse Sp.rd./fire prot	4/1 - 11/1	0.557	4-15-1961	SE NE	31	32 S 9 E
Williamson R. rd./fire prot	5/1 - 11/1	0.557	11-15-1974	SW SE	35	33 S 7 E
Applegate Res. rd./fire prot	4/1 - 11/1	0.223	11-15-1974	SW NE	18	33 S 9 E
TOTAL		4.568 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.

8. The portion of the claim for Organic Act purposes is APPROVED.

9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **381**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 7 East, W.M. and Township 36 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 9, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim was filed for a total of 0.034 cubic feet per second, from three points of diversion on Lowbert Draw, Ridge Reservoir and Modoc Tower Seep tributary to Williamson River, for stockwater.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is March 1 through November 30 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed use under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any uses in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **382**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Sycan River	stockwater	3/1 - 11/30	0.014	10-14-1935	NWSW 22 32 S 14 E

Louse Lake	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 26 32 S 14 E
T-Spring	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NE 31 32 S 15 E
Long Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE SE 31 32 S 16 E
Unnmd. Drnge	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW NW 33 32 S 16 E
Pikes Crossing	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE NW 22 33 S 15 E
Paradise Cr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SE 22 33 S 15 E
Skull Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SE 24 33 S 15 E
Paradise Cr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NW 25 33 S 15 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NW 26 33 S 15 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE NE 34 33 S 15 E
Currier Spring	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 3 33 S 16 E
Long Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SE 6 33 S 16 E
Rock Pit	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW SW 14 33 S 16 E
Currier Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW NW 18 33 S 16 E
Rock Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 21 33 S 16 E
Unnamed Pond	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NE 22 33 S 16 E
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 27 33 S 16 E
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NE 28 33 S 16 E
Skull Creek Work Camp	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 30 33 S 16 E
Skull Creek Work Camp	administrative	5/1 - 11/1	0.5	9-17-1906	NE SW 30 33 S 16 E
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 35 33 S 16 E
Boulder Spr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	Lot 3 30 33 S 17 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NW 10 34 S 15 E
Watson Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 7 34 S 16 E
TOTAL			5.643 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.

7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater purposes.

9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.

10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **383**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for an implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

3. Stockwatering and recreation uses are not included in in Organic Act purposes.

4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Unnamed Pond	rd./fire prot.	5/1 - 11/30	0.557	10-14-1935	SW NW	19	31 S	14 E
Tool Box Spr.	rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	SE NW	2	32 S	15 E

Klipple Lake rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	NE NE 26 33 S 14 E
Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	NE SE 35 31 S 14 E
Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	NE SE 35 31 S 15
Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	SW SW 11 32 S 14 E
Sycan Stkyd 1 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NW 14 32 S 14 E
Sycan Stkyd 2 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NW 14 32 S 14 E
Sycan Stkyd 88 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NE 14 32 S 14 E
Sycan Stkyd 87 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NE 15 32 S 14 E
RiverbedStkp 27 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NW 27 32 S 14 E
RiverbedStkp 28 stockwater	3/1 - 11/30	0.007	10-14-1935	SE NW 28 32 S 14 E
Sycan StkPd 86 stockwater	3/1 - 11/30	0.007	10-14-1935	SW SW 29 32 S 14 E
RiverbedStkp21 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 31 32 S 14 E
Sycan StkPd 85 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SE 33 32 S 14 E
Sycan StkPd 84 stockwater	3/1 - 11/30	0.007	10-14-1935	SW SE 33 32 S 14 E
RiverbedStkp11 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 34 32 S 14 E
Unnamed Res. stockwater	3/1 - 11/30	0.014	10-14-1935	NE SE 9 32 S 15 E
Unnmd StkPd stockwater	3/1 - 11/30	0.014	10-14-1935	NW SE 9 32 S 15 E
Sycan StkPd 92 stockwater	3/1 - 11/30	0.014	10-14-1935	NW SW 10 32 S 15 E
RiverbedStkp 9 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 3 33 S 14 E
RiverbedStkp 10 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NW 3 33 S 14 E
RiverbedStkp 12 stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 3 4 33 S 14 E
Unnamd Str. stockwater	3/1 - 11/30	0.007	10-14-1935	NW SW 4 33 S 14 E
Shake Cr. Pd. stockwater	3/1 - 11/30	0.007	10-14-1935	SE NW 4 33 S 14 E
RiverbedStkp 13 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SE 5 33 S 14 E
RiverbedStkp 20 stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 4 6 33 S 14 E
RiverbedStkp 18 stockwater	3/1 - 11/30	0.007	10-14-1935	NW SE 6 33 S 14 E
RiverbedStkp 19 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NE 6 33 S 14 E
TOTAL		1.537 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.

7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater purposes.

9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.

10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Scyan Ford	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	SW NW	34	33 S	12 E
Unnamed Pothole	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	Lot 2	34	33 S	13 E
Unnamed Pothole	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	SE NE	34	33 S	13 E
Little Hole Big Meadow	rd./fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	7	33 S	13 E
Loggers Pond	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	NW NE	24	34 S	11 E

Scyan Ford	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW NW	25	33 S	12 E
Scyan River 1	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NW	16	33 S	13 E
Merrit Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW SW	26	33 S	13 E
Merrit Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NE	34	33 S	13 E
Dicks Well Sp.	rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	NE NW	32	33 S	14 E
Int. stream	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE	2	34 S	12 E
Godawa Rock Pit	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW	4	34 S	12 E
Sycan River	rd./fire prot.	5/1 - 11/30	0.557	4-15-1961	NW NW	16	34 S	12 E
Pelland Spr. Pond	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW	24	34 S	12 E
Blue Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NW	28	34 S	12 E
Watkins Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NE	2	34 S	13 E
Thicket Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW SE	9	34 S	13 E
Electric Pond	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE	15	34 S	13 E
Diamond Pnd.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW	17	34 S	13 E
Stream	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW	18	34 S	13 E
Spodue ½-Mile Pit	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW	3	35 S	12 E
Mill Creek 1	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	Lot 4	8	35 S	13 E
Mill Creek 2	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	Lot 6	9	35 S	13 E
Mill Crk. Pond	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW NE	20	35 S	13 E
TOTAL			6.02 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.

8. The portion of the claim for Organic Act purposes is APPROVED.

9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **385**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Buck Spring	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW 26 34 S 13 E
Frying Pan Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE 26 34 S 13 E
Buck Spr. Res.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE SE 26 34 S 13 E
Dice Springs	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NE 29 34 S 13 E
No Name Crk.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW NW 36 34 S 13 E
Quarry 1 North	rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 17 34 S 14 E
Quarry 2 South	rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 17 34 S 14 E
Horseglade Spr.	rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NW SE 17 34 S 14 E
Fivemile Creek	rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 20 34 S 14 E
Cold Cr. Crssng	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 35 34 S 15 E
School Creek	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 10 34 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SW 19 34 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 20 34 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NW SE 20 34 S 16 E
Gold Creek	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWSW 23 34 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SE NW 28 34 S 16 E
Sandhill Crssng	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 30 34 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 30 34 S 16 E
Pit Pond	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWSW 30 34 S 16 E
Unnamed Spr.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 35 34 S 16 E
Huckleberry 1	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 3 3 35 S 13 E
Unnamed Pond	stockwater	3/1 - 11/30	0.002	10-14-1935	SE NE 19 35 S 14 E
Rib Spring	stockwater	3/1 - 11/30	0.002	10-14-1935	SE NE 19 35 S 14 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	10-14-1935	SE SE 34 35 S 14 E
Bauer spring	stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 4 30 35 S 15 E
Dead Horse Lake	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 6 1 35 S 16 E
N. Fk. Sprague	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 4 4 35 S 16 E
TOTAL			5.363 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.

7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.

9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.

10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **386**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Buckboard Cr.	rd/fire prot.	5/1 - 11/30	0.557	8-21-1906	NE NE 31 36 S 17 E
Lantern Flat Sp.	administrative	5/1 - 11/30	0.1	8-21-1906	NE SE 32 36 S 17 E
Lantern Flat Sp.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 32 36 S 17 E
Road Spring	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW32 36 S 17 E
Lantern Flat Sp.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 32 36 S 17 E
Sagehen Pond	stockwater	3/1 - 11/30	0.005	10-14-1935	SE NE 20 37 S 15 E
Line Pond	stockwater	3/1 - 11/30	0.005	10-14-1935	NWNW 28 37 S 15 E
Pothole Pond	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWSW 12 37 S 16 E
Indigo Creek	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 32 37 S 16 E
Bare Flat Rd.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SW NE 26 37 S 17 E
Whit Spring	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 23 37 S 17 E
Mix Up Spring	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNE 1 38 S 15 E
TOTAL			2.451 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.

7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.

9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.

10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Blue Kettle Pd2	stockwater	3/1 -11/30	0.031	10-14-1935	SE SW	15	37 S	14 E
Blue Kettle Pd1	stockwater	3/1 -11/30	0.031	10-14-1935	SW NW	15	37 S	14 E
Skeedaddle Pd	stockwater	3/1 -11/30	0.031	10-14-1935	SW NW	15	37 S	14 E
Old Camp Spr. Pd	stockwater	3/1 -11/30	0.031	10-14-1935	SW SW	16	37 S	14 E
Boulder Cr. Sump	stockwater	3/1 -11/30	0.031	10-14-1935	NE SE	21	37 S	14 E
SGE Pond	stockwater	3/1 -11/30	0.031	10-14-1935	NWNW	22	37 S	14 E
Unnamed Pond	stockwater	3/1 -11/30	0.031	10-14-1935	SW SW	25	37 S	14 E
Pole Cr. Sump	stockwater	3/1 -11/30	0.031	10-14-1935	SE SE	31	37 S	14 E
L. Horsefly Pd	stockwater	3/1 -11/30	0.031	10-14-1935	SW SE	31	37 S	14 E
Pole Cr. Spr.	stockwater	3/1 -11/30	0.031	10-14-1935	NE SE	34	37 S	14 E
Cinder Spring	stockwater	3/1 -11/30	0.031	10-14-1935	NW SW	35	37 S	14 E
Upr. Taylor Pd	stockwater	3/1 -11/30	0.005	10-14-1935	NE SW	20	37 S	15 E
Debbie Pond	stockwater	3/1 -11/30	0.005	10-14-1935	SE SE	30	37 S	15 E
Unnmed Stkpnd	stockwater	3/1 -11/30	0.031	10-14-1935	NE NW	1	38 S	14 E
Glade Pond	rd/fire prot.	5/1 - 11/30	0.223	10-14-1935	SW NW	1	38 S	14 E
Penny Hill Pd.	rd/fire prot.	5/1 - 11/30	0.223	10-14-1935	Lot 2	2	38 S	14 E
Hamaker Spr. Pd	stockwater	3/1 - 11/30	0.031	10-14-1935	SESW	2	38 S	14 E
Sage Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	Lot 4	3	38 S	14 E
Sheepherder Pd	stockwater	3/1 - 11/30	0.031	10-14-1935	NE SE	3	38 S	14 E
Sheepherder Pd	stockwater	3/1 - 11/30	0.031	10-14-1935	SW NE	3	38 S	14 E
Pole Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	SW SE	5	38 S	14 E
Dry Lake Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	Lot 6	6	38 S	14 E
DryLake Swmp	stockwater	3/1 - 11/30	0.031	10-14-1935	NE SW	6	38 S	14 E
Gerber Rim Pd	stockwater	3/1 - 11/30	0.031	10-14-1935	NE SE	7	38 S	14 E
Pine Spr. Pond	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE	9	38 S	14 E
Tag Spring	stockwater	3/1 - 11/30	0.031	10-14-1935	NE NE	11	38 S	14 E
Ham Spring	stockwater	3/1 - 11/30	0.031	10-14-1935	NE NW	11	38 S	14 E
Fly Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	SWNE	11	38 S	14 E
Cinder Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	NE NW	11	38 S	15 E
Devil Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	NW NW	11	38 S	15 E
Borrow	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE	10	38 S	15 E
Fishhole Cr.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SW SW	10	38 S	15 E
Unnamed Str.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE	12	38 S	15 E
Lost Valley Res.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SE SE	12	38 S	15 E
Unnamed Pond	stockwater	3/1 - 11/30	0.031	10-14-1935	SE SE	17	38 S	15 E
Fishole Cr. GS	administrative	5/1 - 11/30	0.5	8-21-1906	SW NE	19	38 S	16 E
Fishole Cr. GS	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SW NE	19	38 S	16 E
Lost Burn Puddle	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWSW	22	38 S	16 E
Long Prarie PD	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 6	34	38 S	16 E
Lapham Res.	rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot1	6	39 S	16 E
TOTAL			3.769cfs					

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.

7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, administration and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.

9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.

10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **388**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. This claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Brown Water	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	NWSW	32	36 S	13 E
Whiskey John Pond	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	NWSE	35	36 S	13 E
Deming Cr.	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	SWSW	10	36 S	15 E
Boyd Spring	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	NESW	4	36 S	15 E
Buzz Spring	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	SWNE	5	36 S	15 E
Yllw.Jkt.Spr.Pd	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SWSE	13	37 S	12 E
Rock Pit	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SENW	18	37 S	13 E
Chipmunk Spr.	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SESW	6	37 S	13 E

Mineral Crk.	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SESE	8	37 S 13 E
Mouse Spr.	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SESW	9	37 S 13 E
TOTAL			2.23 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes is APPROVED

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **389**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼ Sec Twn. Rng.
Whiskey Crk.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW 13 37 S 11 E
Vic Reservoir	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	Lot 3 7 37 S 12 E
Charcoal Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW 9 37 S 12 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.223	11-15-1974	NW SW 27 33 S 8 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.557	11-15-1974	SW NE 9 34 S 8 E
Sprague River	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW 21 34 S 8 E
Sprague River	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE 29 34 S 8 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.223	11-15-1974	SW NE 8 34 S 8 E
Prairie Res.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SE 27 34 S 9 E

Wolff Ranch	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SW SW	32	34 S	9 E
Buck Spr. Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW	27	34 S	11E
Sprague River/ Chiloquin Dam	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	Lot 21	3	35 S	7 E
Borrow Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	12	35 S	8 E
Unnamed Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NW NE	12	35 S	8 E
Nut Pond	rd/fire prot.	5/1 - 11/1	1.114	4-15-1961	NE NW	13	35 S	8 E
Crystal Castle Culvert	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	LOT 3	18	35 S	8 E
Vanderkamp Pd.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE NW	34	35 S	8 E
Mouth S'Ocholis Canyon	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	8	35 S	9 E
Quarry Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SW	15	35 S	9 E
Cedar Spr Clvt	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SW SW	20	35 S	9 E
Cedar Spring	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SWSW	20	35 S	9 E
N Fk Trout Crk	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SWSW	35	35 S	9 E
Pothole Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NW SE	6	35 S	10 E
Hightable	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	9	35 S	11 E
Logging Camp Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NWNW	3	36 S	8 E
A Paw Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NE	4	36 S	8 E
Edgewood Res.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	25	36 S	8 E
Trout Cr. Clvt	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NW	15	36 S	9 E
S. Fk Trout Crk.	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW SE	15	36 S	9 E
Trout Cr. Ranch	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NW	16	36 S	9 E
Jims Reservoir	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NWNW	28	36 S	9 E
Unnamed Clvrt.	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	29	36 S	9 E
Unnamed Clvrt.	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	29	36 S	9 E
Unnamed Clvrt.	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	29	36 S	9 E
Cherry Crk. Spr.	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW	27	36 S	10 E
Switchback Pnd	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SW NE	29	36 S	10 E
Yainax GS Spr.	admin/dom.	5/1 - 11/1	0.06	4-15-1961	NW NE	33	36 S	10 E
Yainax Pond	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	33	36 S	10 E
N. Rim Cliney Flat	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SE	28	36 S	11 E
Yainax Ridge Culvert	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NWSW	33	36 S	11 E
Little Rim Res.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SW NE	03	37 S	11 E
TOTAL			16.551 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **390**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Cedar Spring	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	SWNW	23	32 S	6 E
Annie Crk Brg.	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	SE SE	25	32 S	6 E
Goosenest Spr.	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	NE NW	33	32 S	6 E
Sevenmile Hdgt.	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	SE SE	11	33 S	6 E
Cody's Bear Camp	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	NWSW	11	33 S	6 E
Sevenmile GS Bridge	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	SE SE	14	33 S	6 E
Sevenmile Dtch	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	NE SE	14	33 S	6 E

Klamath Pt. Pd	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	SE SE 21 33 S 6 E
Stans Spring	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	SE NE 23 33 S 6 E
Ft. Klamath	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	LOT 22 15 33 S 7.5 E
Fort Creek	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW 23 33 S 7.5 E
TOTAL			6.796. cfs		

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **391**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
ThreeMile Clvt	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 23	02	34 S	6 E
ThreeMile Qry	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	LOT 18	02	34 S	6 E
ThreeMile Rock Dam	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	LOT 18	03	34 S	6 E
C. Thompson Pond	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	LOT 10	04	34 S	6 E
Threemile Clvt	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	LOT 28	05	34 S	6 E
Lucy's Lake	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE NW	08	34 S	6 E
Nannie Crk	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SE SW	10	34 S	6 E

Lather Mt. Access	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NW NE	17	34 S	6 E
Cherry Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SE NE	22	34 S	6 E
Rock Creek	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	NE SE	03	35 S	6 E
Rock Creek Auxiliary	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SW NW	03	35 S	6 E
Malone Spr. Boatramp	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 1	14	35 S	6 E
Rocky Pt. Boatramp	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	LOT 5	35	35 S	6 E
Pelican Cut Canal	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	SE NE	10	36 S	6 E
Odessa Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	24	36 S	6 E
Barkley Spr.	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	LOT 11	06	37 S	9 E
TOTAL			8.802 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **392**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Cold Spring	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE NW	12	35 S	5 E
Big mdw. Clvt.	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SE SE	14	35 S	5 E
Big Meadow Pothole	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE SW	14	35 S	5 E
Lost Creek	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NW SW	24	35 S	5 E
Lost Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	26	35 S	5 E
Unnamed Pond	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE SW	11	36 S	5 E
Fourmile Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	14	36 S	5 E
Billie Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW SW	16	36 S	5 E

Lake Bernice	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NWNW	16	36 S	5 E
Cascade Canal	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NE SE	20	36 S	5 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE NW	26	36 S	5 E
Billie Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	33	36 S	5 E
Trib Seldom Cr.	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW SE	36	36 S	5 E
Varney Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 8	9	36 S	6 E
Wamplers Ditch	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	9	36 S	6 E
Fourmile Flat	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	SE SE	18	36 S	6 E
Fourmile Fire Chance	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SW NE	18	36 S	6 E
Fourmile Qrry	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	NW SE	18	36 S	6 E
Unnamed Res/ Spring	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NW	28	36 S	6 E
Unnamed Pothole	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NW SW	28	36 S	6 E
Varney Ck Clvt	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	28	36 S	6 E
Rainbow Bay	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 6	3	37 S	5 E
Dry Creek Bay	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SE NE	4	37 S	5 E
Dry Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SWNE	4	37 S	5 E
Rainbow Crk	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SWNE	22	37 S	5 E
Upr Rainbow Crk	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NWSE	22	37 S	5 E
TOTAL			12.427cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **393**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.

2. Stockwatering and recreation uses are not included in Organic Act purposes.

3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props,* 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec	Twn.	Rng.
Trib to Buck Lake	rd/fire prot.	5/1 - 11/1	0.223	6-21-1956	SE SE	03	38 S	5 E
Fire Chance	rd/fire prot.	5/1 - 11/1	0.557	6-21-1956	SE SW	04	38 S	6 E
790 Culvert	rd/fire prot.	5/1 - 11/1	0.6	6-21-1956	SE NW	07	38 S	6 E
Spencer Creek	rd/fire prot.	5/1 - 11/1	1.114	6-21-1956	NW SE	18	38 S	6 E
N Fk Spencer Ck	rd/fire prot.	5/1 - 11/1	0.223	6-21-1956	SE NW	18	38 S	6 E
TOTAL			2.717 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.

8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.

9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **394**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,659 feet above mean sea level in Big Meadows, tributary to Lost Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

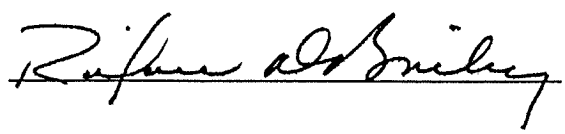
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **395**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,869 feet above mean sea level in Bull Swamp, tributary to Billie Creek, for Outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **396**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 16 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 7,385 feet above mean sea level in Deadhorse Lake, tributary to Dead Cow Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

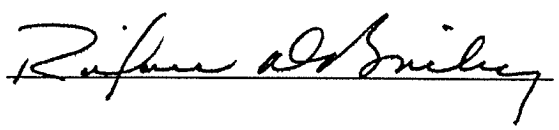
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **397**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,906 feet above mean sea level in Lake Aphis, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **398**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,938 feet above mean sea level in Lake Bernice, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **399**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,932 feet above mean sea level in Lake Clovis, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **400**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 6.496 feet above mean sea level in Lake Francis, tributary to Rock Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **401**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 6,667 feet above mean sea level in Lake Gladys, tributary to Rock Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **402**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,200 feet above mean sea level in Louse Lake, tributary to Sycan River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

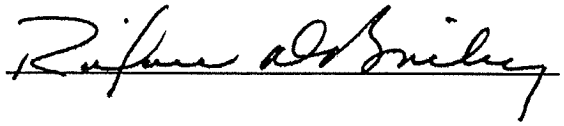
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **403**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,853 feet above mean sea level in Lake Malice, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **404**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Townships 36 and 37 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 4,954 feet above mean sea level in Lake of the Woods, tributary to Seldom Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

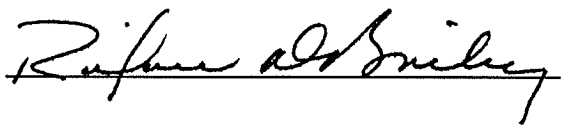
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **405**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 27 South, Range 6 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,630 feet above mean sea level in Miller Lake, tributary to Miller Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **406**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 6, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,853 feet above mean sea level in Wolf Lake, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **407**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 32 cubic feet per second on Recreation Creek/Crystal Creek, tributary to Klamath Lake, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **408**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2.069 cubic feet per second on Blue Creek Springs, tributary to Blue Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **409**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1.2 cubic feet per second on Irving Creek Springs, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **410**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 37 South, Range 17 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1.8 cubic feet per second on Shepard Spring, tributary to Pothole Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **411**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1.58 cubic feet per second on Watkins Spring, tributary to Fivemile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **412**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 20 gallons per minute on Dice Spring, tributary to Huckleberry Draw, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **413**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 60 gallons per minute on Mill Creek Spring, tributary to Ponina Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **414**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 38 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.01 acre foot on Sheepherder Spring, tributary to Pole Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135396

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **415**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 38 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Pine Spring, tributary to Pole Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

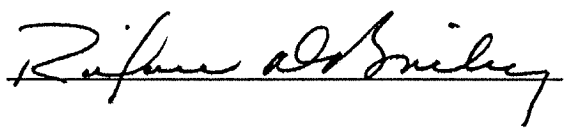
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **416**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 16 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.05 acre foot on Unnamed Spring, tributary to Chooktoot Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

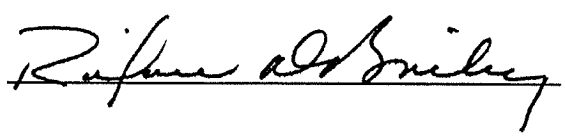
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **417**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 3 gallons per minute on Blue Buck Spring, tributary to Calahan Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **418**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.6 cubic feet per second on an unnamed, unspecified source, tributary to Long Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **419**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2.0 gallons per minute on Lower Blue Buck Spring, tributary to Calahan Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

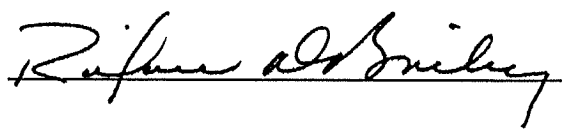
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **420**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 37 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 15 gallons per minute on Deer Spring, tributary to Whiskey Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **421**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 20 gallons per minute on John Spring, tributary to Brown Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

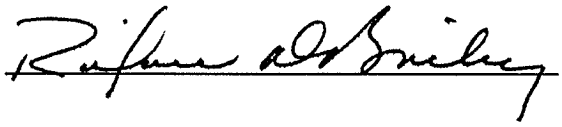
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **422**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 5.0 gallons per minute on Black Spring, tributary to Merrit Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **423**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Dump Spring, tributary to Cain Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

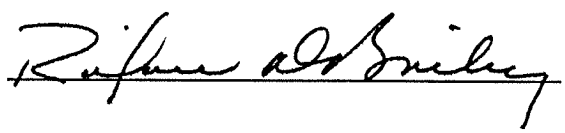
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **424**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Joe Spring, tributary to Cain Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

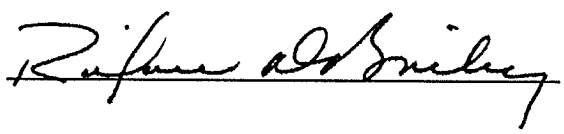
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **425**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 3.0 gallons per minute on Merritt Spring, tributary to Merrit Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **426**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 5.0 gallons per minute on Slide Rule Spring, tributary to Cain Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **427**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2.7 cubic feet per second on Head of the River Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **428**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.047 cubic feet per second on Egan Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **429**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 37 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Boundary Spring, tributary to Rock Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **430**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 4 gallons per minute on South Flat Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **431**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 27 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2.0 gallons per minute on Huckleberry Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

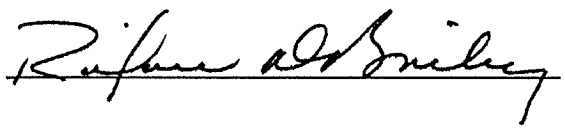
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **432**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 12 gallons per minute on Dibbon Cook Spring, tributary to Sprague River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **433**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 5.0 gallons per minute on Crystal Castle Spring, tributary to Sprague River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **434**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 29 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Log Spring, tributary to Shoestring Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **435**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 29 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2 gallons per minute on Mary Stump Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **436**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 29 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.01 cubic feet per second on Bedpan Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **437**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 28 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.07 acre foot on Bootleg Spring, tributary to Jack Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **438**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 28 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.02 acre foot on Coyote Spring, tributary to Shoestring Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

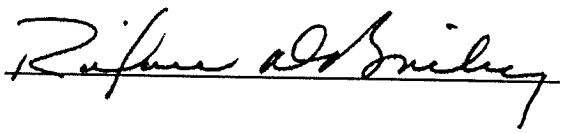
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **439**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 28 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.07 acre foot on Lost Creek Spring, tributary to Shoestring Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **440**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Dog Spring, tributary to Sprague River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **441**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Switchback Spring, tributary to Buck Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **442**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 3.9 cubic feet per second on Crooked Creek Spring, tributary to Crooked Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **443**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 1.2 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 3.9 cubic feet per second on Crooked Creek Spring, tributary to Crooked Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **444**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 14.4 cubic feet per second on Jans Spring, tributary to Crooked Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **445**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 53.5 cubic feet per second on Reservation Spring, tributary to Fort Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The Court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **446**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 308 cubic feet per second on Spring Creek Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **447**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 cubic feet per second on Unnamed Spring, tributary to Crooked Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **448**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Dice Crane Spring, tributary to Hog Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **449**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Pummy Spring, tributary to Hog Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **450**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1.9 cubic feet per second on Stans Spring, tributary to Sevenmile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **451**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 3 gallons per minute on John Cole Spring, tributary to Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **452**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Buckhorn Springs, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **453**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.05 cubic feet per second on an unnamed spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **454**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on an unnamed spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **455**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on an unnamed spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **456**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 32 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1 gallon per minute on Haystack Seep, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **457**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 8 gallons per minute on Chiloquin Corral Spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **458**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 2.0 cubic feet per second on Blue Springs, tributary to Sevenmile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **459**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for Mares Egg Spring, tributary to Crane Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **460**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 1.9 cubic feet per second on Stans Spring, tributary to Sevenmile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **461**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.139 cubic feet per second on Jack Spring, tributary to Fourmile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

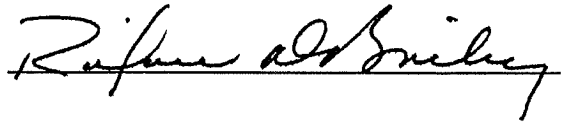
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **462**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 12.4 cubic feet per second on unnamed springs at Crane Creek, tributary to Crane Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

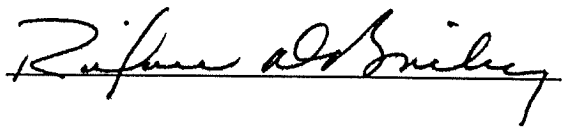
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **463**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 15.2 on unnamed springs at Short Creek, tributary to Short Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Winema National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **464**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 11.4 cubic feet per second on Fourmile Spring, tributary to Fourmile Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **465**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.21 acre foot on Applegate Spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135447

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **466**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Miranda Spring, tributary to the Sprague River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **467**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.005 cubic feet per second on Stanley Spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135449

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **468**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 7, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 0.48 acre foot on an unnamed spring, tributary to the Williamson River, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **469**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Annie Creek from Section 25 (NWSE), Township 32S, Range 6E to Section 36 (NENE), Township 32S, Range 6E.

5. The claimed amount is:

May	104 cfs
June	138 cfs
July	97.8 cfs
August	72.4 cfs
September	59.6 cfs
October	55.1 cfs
November 1 to November 15	52.1 cfs

FINDINGS OF FACT

6. Annie Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

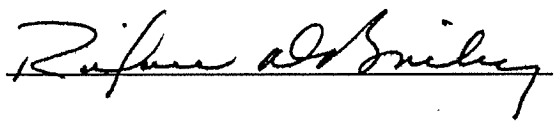
Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Annie Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **471**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 9.6 cfs the United States claims the flow from 9.6 to 89 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Billie Creek from Section 21 (NWNW), Township 36S, Range 5E to Section 34 (SESW), Township 36S, Range 5E.

FINDINGS OF FACT

7. Billie Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Billie Creek from Section 21 (NWNW), Township 36S, Range 5E to Section 34 (SESW), Township 36S, Range 5E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 9.6 cfs in Billie Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Billie Creek channel.

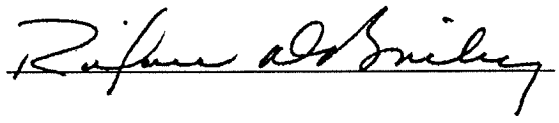
    b) A flow of up to 89 cfs (with a recurrence interval of twenty five years) is necessary in Billie Creek to scour vegetation from Billie Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Billie Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **472**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Billie Creek from Section 21 (NWNW), Township 36S, Range 5E to Section 34 (SESW), Township 36S, Range 5E.

5. The claimed amount is:

May	7.3 cfs
June	3.0 cfs
July	0.5 cfs
August	0.3 cfs
September	0.3 cfs
October	0.4 cfs
November 1 to November 15	0.5 cfs

FINDINGS OF FACT

6. Billie Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

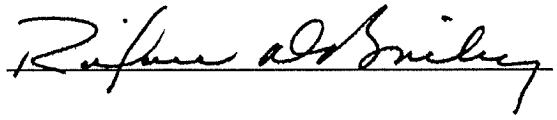
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **473**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.8 to 99.0 cubic feet per second on Billie Creek, tributary to the Klamath River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **474**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 115 cfs the United States claims the flow from 115 to 293 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Cherry Creek from Section 28 (NWNW), Township 34S, Range 6E to Section 14 (NWSW), Township 34S, Range 6E.

FINDINGS OF FACT

7. Cherry Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Cherry Creek from Section 28 (NWNW), Township 34S, Range 6E to Section 14 (NWSW), Township 34S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 115 cfs in Cherry Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Cherry Creek channel.

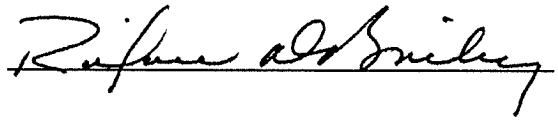
    b) A flow of up to 293 cfs (with a recurrence interval of twenty five years) is necessary in Cherry Creek to scour vegetation from Cherry Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Cherry Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **475**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 8.3 to 319 cubic feet per second on Cherry Creek, tributary to Fourmile Creek, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **476**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Cherry Creek from Section 28 (NWNW), Township 34S, Range 6E to Section 14 (NWSW), Township 34S, Range 6E.

5. The claimed amount is:

May	66 cfs
June	23 cfs
July	10 cfs
August	9.4 cfs
September	9.1 cfs
October	10 cfs
November 1 to November 15	17 cfs

FINDINGS OF FACT

6. Cherry Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **477**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 38 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 1.3 to 198 cubic feet per second on Cottonwood Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

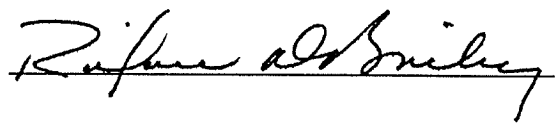
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **478**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 6.1 cfs the United States claims the flow from 6.1 to 182 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Cottonwood Creek from Section 21 (NWNE), Township 28S, Range 6E to Section 36 (SENE), Township 28S, Range 6E.

FINDINGS OF FACT

7. Cottonwood Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade National Forest Reserve.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Cottonwood Creek from Section 21 (NWNE), Township 28S, Range 6E to Section 36 (SENE), Township 28S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 6.1 cfs in Cottonwood Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Cottonwood Creek channel.

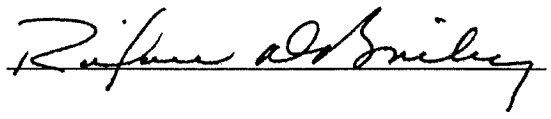
    b) A flow of up to 182 cfs (with a recurrence interval of twenty five years) is necessary in Cottonwood Creek to scour vegetation from Cottonwood Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Cottonwood Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **479**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Cottonwood Creek from Section 21 (NWNE), Township 28S, Range 6E to Section 36 (SENE), Township 28S, Range 6E.

5. The claimed amount is:

May	8.7 cfs
June	20 cfs
July	19 cfs
August	7.3 cfs
September	3.8 cfs
October	4.5 cfs
November 1 to November 15	4.2 cfs

FINDINGS OF FACT

6. Cottonwood Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

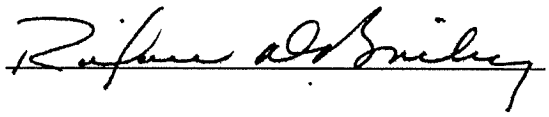
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **480**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Deep Creek from Section 29 (NWSE), Township 31S, Range 11E to Section 29 (SESW) Township 31S, Range 11E.

5. The claimed amount is:

May	15.8 cfs
June	7.9 cfs
July	2.2 cfs
August	1.4 cfs
September	1.5 cfs
October	1.8 cfs
November 1 to November 15	2.0 cfs

FINDINGS OF FACT

6. Deep Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **481**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 9.4 cfs the United States claims the flow from 9.4 to 260 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is Deep Creek from Section 29 (NWSE), Township 31S, Range 11E to Section 29 (SESW), Township 31S, Range 11E.

FINDINGS OF FACT

7. Deep Creek is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961

9. The place of use is Deep Creek from Section 29 (NWSE), Township 31S, Range 11E to Section 29 (SESW), Township 31S, Range 11E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 9.4 cfs in Deep Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Deep Creek channel.

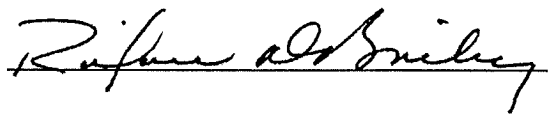
    b) A flow of up to 260 cfs (with a recurrence interval of twenty five years) is necessary in Deep Creek to scour vegetation from Deep Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Deep Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **482**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East and Township 36 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 1.6 to 721 cubic feet per second on an instream flow of cubic feet per second on Fourmile Creek, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **483**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 91 cfs the United States claims the flow from 91 to 663 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Fourmile Creek from Section 10 (SESW), Township 36S, Range 5E to Section 17 (NENW), Township 36S, Range 6E.

FINDINGS OF FACT

7. Fourmile Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade National Forest Reserve.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Fourmile Creek from Section 10 (SESW), Township 36S, Range 5E to Section 17 (NENW), Township 36S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 91 cfs in Fourmile Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Fourmile Creek channel.

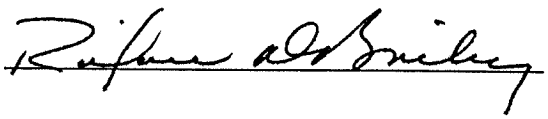
    b) A flow of up to 663 cfs (with a recurrence interval of twenty five years) is necessary in Fourmile Creek to scour vegetation from Fourmile Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Fourmile Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **484**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Fourmile Creek from Section 10 (SESW), Township 36S, Range 5E to Section 17 (NENW), Township 36S, Range 6E.

5. The claimed amount is:

May	83 cfs
June	74 cfs
July	2.0 cfs
August	0.6 cfs
September	0.4 cfs
October	1.2 cfs
November 1 to November 15	3.0 cfs

FINDINGS OF FACT

6. Fourmile Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Forest Reserve.

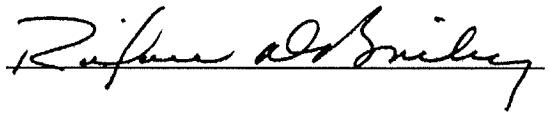
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **485**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Jackson Creek from Section 25 (SWNE), Township 30S, Range 11E to Section 7 (SENE), Township 30S, Range 11E.

5. The claimed amount is:

May	14 cfs
June	8.2 cfs
July	3.2 cfs
August	2.4 cfs
September	2.5 cfs
October	2.9 cfs
November 1 to November 15	3.2 cfs

FINDINGS OF FACT

6. Jackson Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **486**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 1.2 to 14 cubic feet per second on Jackson Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **487**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is January 25, 1907.

4. The claimed place of use is Miller Creek from Section 30 (SWNE), Township 27S, Range 7E to Section 32 (NWNE), Township 27S, Range 7E.

5. The claimed amount is:

May	39 cfs
June	41 cfs
July	22 cfs
August	12 cfs
September	8.8 cfs
October	8.4 cfs
November 1 to November 15	8.1 cfs

FINDINGS OF FACT

6. Miller Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on January 25, 1907 for the Cascade Forest Reserve.

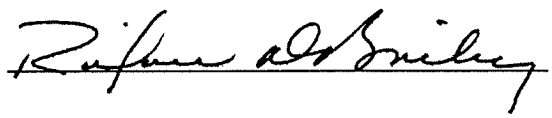
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **488**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 19 cfs the United States claims the flow from 19 to 527 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is January 25, 1907.

6. The claimed place of use is Miller Creek from Section 30 (SWNE), Township 27S, Range 7E to Section 32 (NWNE), Township 27S, Range 7E.

FINDINGS OF FACT

7. Miller Creek is within lands reserved for forest purposes by Proclamation on January 25, 1907 for the Cascade Forest Reserve.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Miller Creek from Section 30 (SWNE), Township 27S, Range 7E to Section 32 (NWNE), Township 27S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 19 cfs in Miller Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Miller Creek channel.

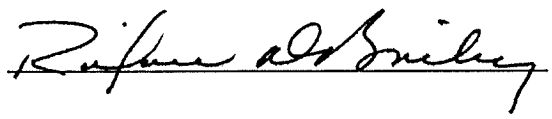
    b) A flow of up to 527 cfs (with a recurrence interval of twenty five years) is necessary in Miller Creek to scour vegetation from Miller Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Miller Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **489**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 27 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 7.8 to 30 cubic feet per second on Miller Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

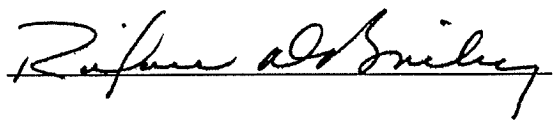
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **490**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Rock Creek from Section 6 (NWNW), Township 35S, Range 6E to Section 3 (SENE) Township 35S, Range 6E.

5. The claimed amount is:

May	28 cfs
June	11 cfs
July	1.0 cfs
August	0.2 cfs
September	0.1 cfs
October	0.1 cfs
November 1 to November 15	0.7 cfs

FINDINGS OF FACT

6. Rock Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **491**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 74 cfs the United States claims the flow from 74 to 316 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Rock Creek from Section 6 (NWNE), Township 35S, Range 6E to Section 3 (SENE), Township 35S, Range 6E.

FINDINGS OF FACT

7. Rock Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Rock Creek from Section 6 (NWNE), Township 35S, Range 6E to Section 3 (SENE), Township 35S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 74 cfs in Rock Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Rock Creek channel.

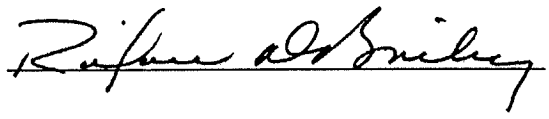
    b) A flow of up to 316 cfs (with a recurrence interval of twenty five years) is necessary in Rock Creek to scour vegetation from Rock Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Rock Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **492**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.4 to 23 cubic feet per second on Bear Creek, tributary to Crystal Creek, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **493**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW AND SURFACE WATERS FOR WILDERNESS ACT PURPOSES

1. Designation under the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.* for the public purposes of recreational, scenic, scientific, educational, conservation and historic uses reserves all the water within the designated wilderness area that had not been appropriated at the time of designation.

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 493 was filed on April 29, 1997 and amended on August 3, 1999.

3. The source of instream flow and surface waters claimed is all streams, lakes, ponds, springs, seeps, or other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gearhart Mountain Wilderness.

4. The quantity of water claimed is all unappropriated flow and all surface water sources as of the date of designation.

5. The claimed priority date is September 3, 1964, the date the Gearhart Mountain Wilderness Area was established within the Fremont National Forest.

6. The claimed place of use is within the boundaries of the 1964 Gearhart Mountain Wilderness area located within the Klamath Basin, on lands within the following sections:

Sections 25 and 26, Township 34 S, Range 15 E, WM
Sections 30 and 31, Township 34 S, Range 16 E, WM
Sections 1, 2, 11 and 12, Township 35 S, Range 15 E, WM
Sections 5, 6, 8, 9, 10 and 15, Township 35 S, Range 16 E, WM

7. The claimed use is for all instream purposes encompassed by the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.*

CONCLUSION

8. The claim for all unappropriated instream flows and all surface water sources as of the date of designation is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **494**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW AND SURFACE WATERS FOR WILDERNESS ACT PURPOSES

1. Designation under the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.* for the public purposes of recreational, scenic, scientific, educational, conservation and historic uses reserves all the water within the designated wilderness area that had not been appropriated at the time of designation.

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 494 was filed on April 29, 1997 and amended on August 3, 1999.

3. The source of instream flow and surface waters claimed is all streams, lakes, ponds, springs, seeps, or other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gearhart Mountain Wilderness.

4. The quantity of water claimed is all unappropriated flow and all surface water sources as of the date of designation.

5. The claimed priority date is September 3, 1964, the date of designation for inclusion of additional lands in the Gearhart Mountain Wilderness Area within the Fremont National Forest.

6. The claimed place of use is within the boundaries of the 1984 Gearhart Mountain Wilderness addition area located within the Klamath Basin, on lands within the following sections:

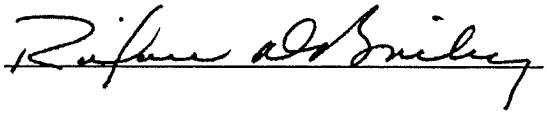
Sections 12, 13, 23, 24, 25, 26, 35 and 36, Township 35 S, Range 15 E, WM
Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 29, 30, 31, 33, 34, 35 and 36,
Township 35 S, Range 16 E, WM
Unsurveyed lands projected as Sections 1 and 12, Township 36 S, Range 15 E, WM
Unsurveyed lands projected as Sections 4, 5, 6, 7, 8 and 9, and
Sections 1, 2, 3, 10, 11 and 12, all in Township 36 S, Range 16 E, WM

7. The claimed use is for all instream purposes encompassed by the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.*

CONCLUSION

8. The claim for all unappropriated instream flows and all surface water sources as of the date of designation is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **495**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW AND SURFACE WATERS FOR WILDERNESS ACT PURPOSES

1. Designation under the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.* for the public purposes of recreational, scenic, scientific, educational, conservation and historic uses reserves all the water within the designated wilderness area that had not been appropriated at the time of designation.

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 495 was filed on April 29, 1997 and amended on August 3, 1999.

3. The source of instream flow and surface waters claimed is all streams, lakes, ponds, springs, seeps, or other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Mountain Lakes Wilderness within the Winema National Forest.

4. The quantity of water claimed is all unappropriated flow and all surface water sources as of the date of designation.

5. The claimed priority date is September 3, 1964, the date of designation of the Mountain Lakes Wilderness Area within the Winema National Forest.

6. The claimed place of use is within the boundaries of the Mountain Lakes Wilderness Area located within the Klamath Basin, on lands within the following sections:

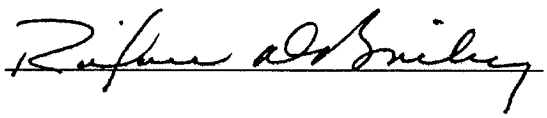
Sections 1 through 36, Township 36 S, Range 6 E, WM

7. The claimed use is for all instream purposes encompassed by the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.*

CONCLUSION

8. The claim for all unappropriated instream flows and all surface water sources as of the date of designation is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **496**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW AND SURFACE WATERS FOR WILDERNESS ACT PURPOSES

1. Designation under the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.* for the public purposes of recreational, scenic, scientific, educational, conservation and historic uses reserves all the water within the designated wilderness area that had not been appropriated at the time of designation.

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 496 was filed on April 29, 1997 and amended on August 3, 1999.

3. The source of instream flow and surface waters claimed is all streams, lakes, ponds, springs, seeps, or other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Mount Thielsen Wilderness.

4. The quantity of water claimed is all unappropriated flow and all surface water sources as of the date of designation.

5. The claimed priority date is June 25, 1984, the date of designation of the Mount Thielsen Wilderness Area within the Winema and the Deschutes National Forests.

6. The claimed place of use is within the boundaries of the Mount Thielsen Wilderness Area located within the Klamath Basin, on lands within the following sections:

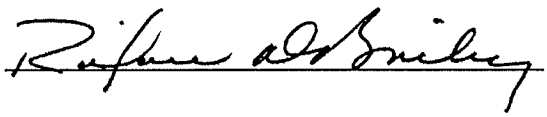
Sections 6, 7, 8, 17, 18 and 30, Township 27 South, Range 7 East, WM
Sections 1, 2, 3, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, and 35, Township 27 South, Range 6.5 East, WM
Section 36, Township 27 South, Range 6 East
Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 28 South, Range 6.5 East, WM
Sections 12, 13, 24, 25, 26, 30 and 31, Township 28 South, Range 5 East, WM

7. The claimed use is for all instream purposes encompassed by the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.*

CONCLUSION

8. The claim for all unappropriated instream flows and all surface water sources as of the date of designation is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **497**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW AND SURFACE WATERS FOR WILDERNESS ACT PURPOSES

1. Designation under the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.* for the public purposes of recreational, scenic, scientific, educational, conservation and historic uses reserves all the water within the designated wilderness area that had not been appropriated at the time of designation.

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 497 was filed on April 29, 1997 and amended on August 3, 1999.

3. The source of instream flow and surface waters claimed is all streams, lakes, ponds, springs, seeps, or other natural sources of water, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Sky Lakes Wilderness.

4. The quantity of water claimed is all unappropriated flow and all surface water sources as of the date of designation.

5. The claimed priority date is June 25, 1984, the date of designation of the Sky Lakes Wilderness Area within the Winema and the Rogue River National Forests.

6. The claimed place of use is within the boundaries of the Sky Lakes Wilderness Area located within the Klamath Basin, on lands within the following sections:

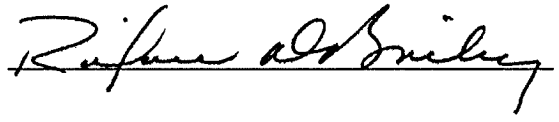
Sections 15, 16, 17, 18, 19, 21, 21, 29, 30, 31 and 32, Township 32 South, Range 6 East
Sections 12, 13, 23, 24, 25, 26, and 36, Township 32 South, Range 5 East, WM
Sections 1, 12, 13, 14, 24, 25, 35 and 36, Township 33 South, Range 5 East, WM
Sections 4, 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 33 South, Range 6 East, WM
Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 34 South, Range 5 East, WM
Sections 6, 7, 16, 17, 18, 19, 20, 21, 29 and 30, Township 34 South, Range 6 East, WM
Sections 1, 2, 3, 9, 10, 15, 16, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 35 South, Range 5 East
Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20 and 30, Township 36 South, Range 5 East
Section 25, Township 35 South, Range 4 East, WM
Sections 1, 11, 12, 13, 14 and 24, Township 36 South, Range 4 East, WM

7. The claimed use is for all instream purposes encompassed by the Wilderness Act of 1964, 16 U.S.C. 1131- 1136, and the Oregon Wilderness Act of June 26, 1984, 98 Stat. 272 *et. seq.*

CONCLUSION

8. The claim for all unappropriated instream flows and all surface water sources as of the date of designation is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **498**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 8 East and Township 334 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 250 cubic feet per second from March 31 through July 31 and Septemeber 1 through November 30 of each year on the Sprague River, tributary to the Williamson River, for boat recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135508

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **499**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 12 East, and Township 34 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow of 82 cubic feet per second on the Sycan River, tributary to the Sprague River, for boat recreation during May and June of each year, pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135509

Summary - Preliminary Evaluation of Claims Claim No. **500**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
U.S. Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America
U.S. Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW FOR WILD AND SCENIC RIVERS ACT PURPOSES

The Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* was adopted for the express purpose of preserving, in a free-flowing condition, rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

Claims for reserved instream flows for rivers or river reaches designated under the Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* and the Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988) are proper and may be allowed where the federal claimant shows, as a factual matter, that the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the designating reservation.

Cappaert v. U.S., 426 U.S. 128, 141 (1976); *In re SRBA,* "Wild and Scenic River Claims, Consolidated Subcase 75-13316, Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims, at 8-11 (District Court of the Fifth Judicial District of the Sate of Idaho, July 27, 1998).

CLAIM INFORMATION / FINDINGS OF FACT

1. Claim 500 was filed on April 29, 1997 and amended on August 3, 1999.

2. The Forest Service claims federal reserved rights to flows in the North Fork of the Sprague River in the reach flowing through the SW¼ SW¼ Section 15, T35 S, R16E, WM, to the NE¼ SW¼ Section 11, T35S, R15E, WM.

3. The claim is for a range of flows between 74 cfs and 957 cfs when the natural flow is greater than or equal to 74 cfs, and between 20 and 74 cfs when the natural flow is less than 74 cfs.

4. The claimed period of use is January 1 through December 31 of each year.

5. The claimed priority date is October 28, 1988, the date the subject reach of the North Fork of the Sprague River was designated as a component of the National Wild and Scenic Rivers System.

6. The claimed use is for all purposes encompassed by the Federal Wild and Scenic Rivers Act of October 2, 1968, Public Law 90-542 (1968).

7. The claimed outstandingly remarkable values for which the North Fork of the Sprague River were included in the National Wild and Scenic Rivers System are scenic and geologic.

8. The requested flow levels for the oustandingly remarkable values represent typical conditions in the river over the course of the year, and are intended to preserve streamside and riparian vegetation and to maintain and preserve the river channel characteristics.

CONCLUSION

9. The subject reach of the North Fork of the Sprague River was designated as a scenic river area. Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988).

10. The claimant has demonstrated the connection between the specific flows requested and the purposes of the reservation, and has demonstrated that the amount requested is the minimum amount necessary to preserve those uses.

11. Claim 500 for scenic flows is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **501**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
U.S. Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America
U.S. Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW FOR WILD AND SCENIC RIVERS ACT PURPOSES

The Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* was adopted for the express purpose of preserving, in a free-flowing condition, rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

Claims for reserved instream flows for rivers or river reaches designated under the Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* and the Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988) are proper and may be allowed where the federal claimant shows, as a factual matter, that the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the designating reservation.

Cappaert v. U.S., 426 U.S. 128, 141 (1976); *In re SRBA,* "Wild and Scenic River Claims, Consolidated Subcase 75-13316, Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims, at 8-11 (District Court of the Fifth Judicial District of the Sate of Idaho, July 27, 1998).

CLAIM INFORMATION / FINDINGS OF FACT

1. Claim 501 was filed on April 29, 1997 and amended on August 3, 1999.

2. The Forest Service claims federal reserved rights to flows in the Sycan River in the 26.4-mile reach flowing through the NW¼ SE¼ Section 5, T34S, R17E, WM, to the SW¼ SW¼ Section 22, T32S, R14.5E, WM.

3. The claim is for a range of flows between 81 cfs and 1921 cfs when the natural flow is greater than or equal to 81 cfs, and between 7.5 and 81 cfs when the natural flow is less than 81 cfs.

4. The claimed period of use is January 1 through December 31 of each year.

5. The claimed priority date is October 28, 1988, the date the subject reach of the Sycan River was designated as a component of the National Wild and Scenic Rivers System.

6. The claimed use is for all purposes encompassed by the Federal Wild and Scenic Rivers Act of October 2, 1968, Public Law 90-542 (1968).

7. The claimed outstandingly remarkable values for which the Sycan River were included in the National Wild and Scenic Rivers System are scenic, geologic, fisheries and wildlife.

8. The requested flow levels for the oustandingly remarkable scenic and geologic values represent typical conditions in the river over the course of the year, and are intended to preserve streamside and riparian vegetation and to maintain and preserve the river channel characteristics.

9. The requested flow levels for the oustandingly remarkable fisheries values were derived using the approved Instream Flow Incremental Methodology (IFIM).

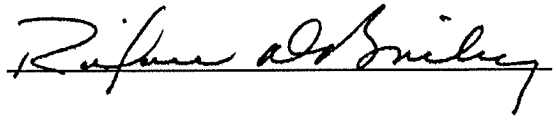
CONCLUSION

10. The subject reach of the Sycan River was designated as a scenic river area. Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988).

11. The claimant has demonstrated the connection between the specific flows requested and the purposes of the reservation, and has demonstrated that the amount requested is the minimum amount necessary to preserve those uses.

12. Claim 501 for scenic flows is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **502**

Klamath Basin General Stream Adjudication *USFS* claim

Current Claimant(s) of Record:

United States of America,
U.S. Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America
U.S. Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF A CLAIM FOR INSTREAM FLOW FOR WILD AND SCENIC RIVERS ACT PURPOSES

The Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* was adopted for the express purpose of preserving, in a free-flowing condition, rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

Claims for reserved instream flows for rivers or river reaches designated under the Wild and Scenic Rivers Act of September 22, 1988, 16 U.S.C. 1271 *et. seq.* and the Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988) are proper and may be allowed where the federal claimant shows, as a factual matter, that the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the designating reservation.

Cappaert v. U.S., 426 U.S. 128, 141 (1976); *In re SRBA,* "Wild and Scenic River Claims, Consolidated Subcase 75-13316, Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims, at 8-11 (District Court of the Fifth Judicial District of the Sate of Idaho, July 27, 1998).

CLAIM INFORMATION / FINDINGS OF FACT

1. Claim 502 was filed on April 29, 1997 and amended on August 3, 1999.

2. The Forest Service claims federal reserved rights to flows in the Sycan River in the 24-mile reach flowing from the NE¼ SW¼ Section 10, T33S, R13E, WM, to the SW¼ SE¼ Section 31, T34S, R12E, WM.

3. The claim is for a range of flows between 281 cfs and 3552 cfs when the natural flow is greater than or equal to 281 cfs, and between 5.8 and 281 cfs when the natural flow is less than 281 cfs.

4. The claimed period of use is January 1 through December 31 of each year.

5. The claimed priority date is October 28, 1988, the date the subject reach of the Sycan River was designated as a component of the National Wild and Scenic Rivers System.

6. The claimed use is for all purposes encompassed by the Federal Wild and Scenic Rivers Act of October 2, 1968, Public Law 90-542 (1968).

7. The claimed outstandingly remarkable values for which the Sycan River were included in the National Wild and Scenic Rivers System are scenic, geologic, fisheries and wildlife.

8. The requested flow levels for the oustandingly remarkable scenic and geologic values represent typical conditions in the river over the course of the year, and are intended to preserve streamside and riparian vegetation and to maintain and preserve the river channel characteristics.

9. The requested flow levels for the oustandingly remarkable fisheries values were derived using the approved Instream Flow Incremental Methodology (IFIM).

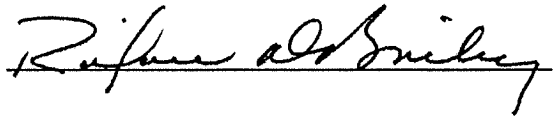
CONCLUSION

10. The subject reach of the Sycan River was designated as a scenic river area. Omnibus Oregon Wild and Scenic Rivers Act, 102 Stat. 2782 *et. seq.* (1988).

11. The claimant has demonstrated the connection between the specific flows requested and the purposes of the reservation, and has demonstrated that the amount requested is the minimum amount necessary to preserve those uses.

12. Claim 502 for scenic flows is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **503**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 15 cfs the United States claims the flow from 15 to 370 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is Brownsworth Creek from Section 36 (NESW), Township 36S, Range 15E to Section 36 (NESW), Township 36S, Range 15E.

FINDINGS OF FACT

7. The Fremont National Forest was established on April 14, 1934. Pub. L. No. 161, 48 Stat. 590 (1934).

8. Brownsworth Creek, tributary to the South Fork of the Sprague River is part of the Fremont National Forest. Presidential Proclamation No. 2143, October 14, 1935.

9. The priority date for this instream use is October 14, 1935.

10. The place of use is Brownsworth Creek from Section 36 (NESW), Township 36S, Range 15E to Section 36 (NESW), Township 36S, Range 15E.

11. The period of use is January 1 to December 31.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

13. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

14. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 6.8 cfs in Brownsworth Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Brownsworth Creek stream channel.

    b) A flow of up to 403 cfs (with a recurrence interval of twenty five years) is necessary in Brownsworth Creek to scour vegetation from Brownsworth Creek's active channel and maintain the active flood plain.

CONCLUSION

15. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Brownsworth Creek in the Fremont National Forest.

16. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **504**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is Brownsworth Creek from Section 36 (NESW), Township 36 S, Range 15E to Section 36 (NESW), Township 36S, Range 15E.

5. The claimed amount is:

May	36 cfs
June	16 cfs
July	6.1 cfs
August	4.4 cfs
September	4.6 cfs
October	5.2 cfs
November 1 to November 15	6.3 cfs

FINDINGS OF FACT

6. Brownsworth Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **505**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Townships 36 and 37 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 5.0 to 403 cubic feet per second on Brownsworth Creek, tributary to the South Fork Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

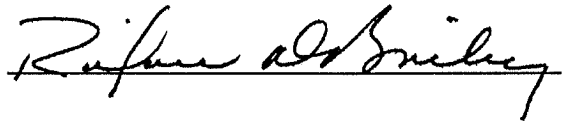
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **506**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 6.6 cfs the United States claims the flow from 6.6 to 190 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is Coyote Creek from Section 21 (NWNW), Township 31S, Range 13E to Section 27 (SWNE) Township 31S, Range 13E.

FINDINGS OF FACT

7. Coyote Creek is within lands reserved for forest purposes by the Proclamation of April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is Coyote Creek from Section 21 (NWNW), Township 31S, Range 13E to Section 27 (SWNE) Township 31S, Range 13E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 6.6 cfs in Coyote Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Coyote Creek stream channel.

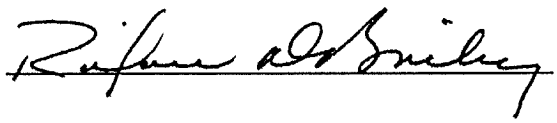
    b) A flow of up to 190 cfs (with a recurrence interval of twenty five years) is necessary in Coyote Creek to scour vegetation from Coyote Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Coyote Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **507**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Coyote Creek from Section 21 (NWNW), Township 31S, Range 13E to Section 27 (SWNE) Township 31S, Range 13E.

5. The claimed amount is:

May	5.8 cfs
June	4.2 cfs
July	1.5 cfs
August	0.4 cfs
September	0.9 cfs
October	1.2 cfs
November 1 to November 15	1.5 cfs

FINDINGS OF FACT

6. Coyote Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **508**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.3 to 207 cubic feet per second on Coyote Creek, tributary to the Sycan River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **509**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 5.5 cfs the United States claims the flow from 5.5 to 182 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is August 21, 1906.

6. The claimed place of use is Deming Creek from Section 1 (NWNE), Township 36S, Range 15E to Section9 (SESE), Township 36S, Range 15E.

FINDINGS OF FACT

7. Deming Creek is within lands reserved for forest purposes by the Proclamation of August 21, 1906 for the Goose Lake Forest Reserve.

8. The priority date for this instream use is August 21, 1906.

9. The place of use is Deming Creek from Section 1 (NWNE), Township 36S, Range 15E to Section9 (SESE), Township 36S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 5.5 cfs in Deming Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Deming Creek stream channel.

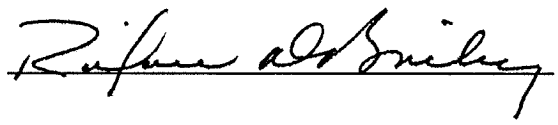
    b) A flow of up to 182 cfs (with a recurrence interval of twenty five years) is necessary in Deming Creek to scour vegetation from Deming Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Deming Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **510**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is August 21, 1906.

4. The claimed place of use is Deming Creek from Section 1 (NWNE), Township 36S, Range 15E to Section 9 (SESE), Township 36S, Range 15E.

5. The claimed amount is:

May	17 cfs
June	12 cfs
July	3.5 cfs
August	1.8 cfs
September	2.0 cfs
October	2.1 cfs
November 1 to November 15	2.4 cfs

FINDINGS OF FACT

6. Deming Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on August 21, 1906 for the Goose Lake National Forest Reserve.

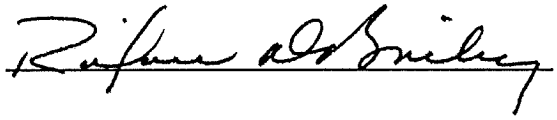
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **511**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 1.6 to 198 cubic feet per second on Deming Creek, tributary to the South Fork Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **512**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 99 cfs the United States claims the flow from 99 to 446 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is Fishhole Creek from Section 4 (NESW) Township 38S, Range 15E to Section 32 (SENW), Township 37S, Range 15E.

FINDINGS OF FACT

7. Fishhole Creek is within lands reserved for forest purposes by the Proclamation of October 14, 1935 for the Fremont Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is Fishhole Creek from Section 4 (NESW) Township 38S, Range 15E to Section 32 (SENW), Township 37S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 99 cfs in Fishhole Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Fishhole Creek stream channel.

    b) A flow of up to 446 cfs (with a recurrence interval of twenty five years) is necessary in Fishhole Creek to scour vegetation from Fishhole Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Fishhole Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **513**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935

4. The claimed place of use is Fishhole Creek from Section 4 (NESW), Township 38S, Range 15E to Section 32 (SENW), Township 37S, Range 15E.

5. The claimed amount is:

May	16 cfs
June	8.3 cfs
July	3.7 cfs
August	1.3 cfs
September	1.2 cfs
October	2.2 cfs
November 1 to November 15	2.1 cfs

FINDINGS OF FACT

6. Fishhole Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **514**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Townships 38 and 37 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.7 to 486 cubic feet per second on Fishhole Creek, tributary to the South Fork Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

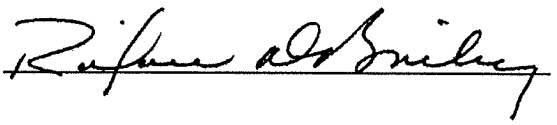
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **515**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 62 cfs the United States claims the flow from 62 to 338 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is Fivemile Creek from Section 13 (NENW), Township 35S, Range 13E to Section 24 (SWSE), Township 35S, Range 13E.

FINDINGS OF FACT

7. Fivemile Creek is within lands reserved for forest purposes by the Proclamation of April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is Fivemile Creek from Section 13 (NENW), Township 35S, Range 13E to Section 24 (SWSE), Township 35S, Range 13E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 62 cfs in Fivemile Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Fivemile Creek stream channel.

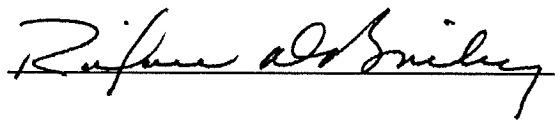
    b) A flow of up to 338 cfs (with a recurrence interval of twenty five years) is necessary in Fivemile Creek to scour vegetation from Fivemile Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Fivemile Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **516**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Fivemile Creek from Section 13 (NENW), Township 35S, Range 13E to Section 24 (SWSE), Township 35S, Range 13E.

5. The claimed amount is:

May	24 cfs
June	21 cfs
July	20 cfs
August	18 cfs
September	19 cfs
October	21 cfs
November 1 to November 15	20 cfs

FINDINGS OF FACT

6. Fivemile Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961.

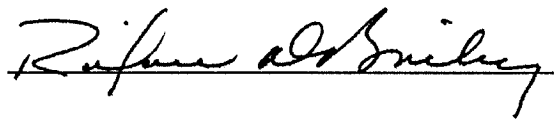
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **517**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 18 to 368 cubic feet per second on Fivemile Creek, tributary to the North Fork of the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **518**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 25 cfs the United States claims the flow from 25 to 333 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is September 17, 1906.

6. The claimed place of use is Long Creek from Section 28 (SWSW), Township 30S, Range 12 E to Section 32 (SESE) Township 30S, Range 12E.

FINDINGS OF FACT

7. Long Creek is within lands reserved for forest purposes by the Proclamation of September 17, 1906 for the Fremont Forest Reserve.

8. The priority date for this instream use is September 17, 1906.

9. The place of use is Long Creek from Section 28 (SWSW), Township 30S, Range 12 E to Section 32 (SESE) Township 30S, Range 12E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 25 cfs in Long Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Long Creek stream channel.

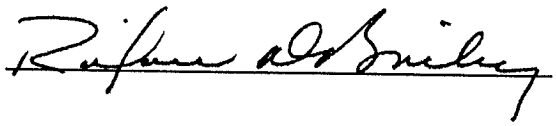
    b) A flow of up to 333 cfs (with a recurrence interval of twenty five years) is necessary in Long Creek to scour vegetation from Long Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Long Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **519**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is September 17, 1906.

4. The claimed place of use is Long Creek from Section 28 (SWSW), Township 30S, Range 12 E to Section 32 (SESE), Township 30S, Range 12E.

5. The claimed amount is:

May	30 cfs
June	39 cfs
July	15 cfs
August	11 cfs
September	8.5 cfs
October	9.3 cfs
November 1 to November 15	8.1 cfs

FINDINGS OF FACT

6. Long Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 17, 1906 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **520**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 30 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 4.2 to 362 cubic feet per second on Long Creek, tributary to the Sycan River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **521**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 25 cfs the United States claims the flow from 25 to 333 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is Long Creek from Section 5 (NENE), Township 31S, Range 12E to Section 5 (SWSE), Township 31S, Range 12E.

FINDINGS OF FACT

7. Long Creek is within lands reserved for forest purposes by the Proclamation of April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is Long Creek from Section 5 (NENE), Township 31S, Range 12E to Section 5 (SWSE), Township 31S, Range 12E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 25 cfs in Long Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Long Creek stream channel.

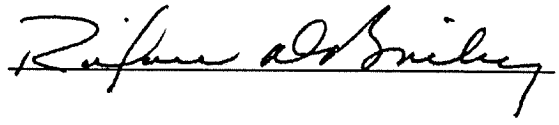
    b) A flow of up to 333 cfs (with a recurrence interval of twenty five years) is necessary in Long Creek to scour vegetation from Long Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Long Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **522**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Long Creek from Section 5 (NENE), Township 31S, Range 12E to Section 5 (SWSE), Township 31S, Range 12E.

5. The claimed amount is:

May	30 cfs
June	39 cfs
July	15 cfs
August	11 cfs
September	8.5 cfs
October	9.3 cfs
November 1 to November 15	8.1 cfs

FINDINGS OF FACT

6. Long Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961.

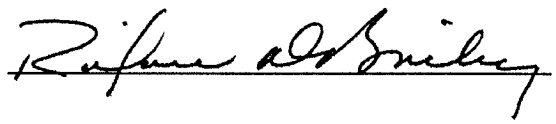
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **523**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 4.1 to 362 cubic feet per second on Long Creek, tributary to the Sycan River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **524**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 115 cfs the United States claims the flow from 115 to 1624 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is North Fork of the Sprague River from Section 30 (SESW), Township 35S, Range 15E to Section 30 (SWSW), Township 35S, Range 15E.

FINDINGS OF FACT

7. The North Fork of the Sprague River is within lands reserved for forest purposes by the Proclamation of October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is North Fork of the Sprague River from Section 30 (SESW), Township 35S, Range 15E to Section 30 (SWSW), Township 35S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 115 cfs in the North Fork of the Sprague River will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the North Fork of the Sprague River channel.

    b) A flow of up to 1624 cfs (with a recurrence interval of twenty five years) is necessary in the North Fork of the Sprague River to scour vegetation from the North Fork of the Sprague River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the North Fork of the Sprague River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **525**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the North Fork of the Sprague River from Section 30 (SESW), Township 35S, Range 15E to Section 30 (SWSW), Township 35S, Range 15E.

5. The claimed amount is:

May	246 cfs
June	127 cfs
July	57 cfs
August	47 cfs
September	49 cfs
October	54 cfs
November 1 to November 15	72 cfs

FINDINGS OF FACT

6. The North Fork of the Sprague River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **526**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 44 to 1770 cubic feet per second on the North Fork Sprague River , tributary to the Sprague River, for fish and oudoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

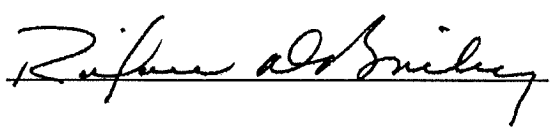
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **527**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 74 cfs the United States claims the flow from 74 to 957 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is North Fork of the Sprague River from Section 11 (NESW), Township 35S, Range 15E to Section 11 (NESW), Township 35S, Range 15E.

FINDINGS OF FACT

7. The North Fork of the Sprague River is within lands reserved for forest purposes by the Proclamation of October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is North Fork of the Sprague River from Section 11 (NESW), Township 35S, Range 15E to Section 11 (NESW), Township 35S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 74 cfs in the North Fork of the Sprague River will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the North Fork of the Sprague River channel.

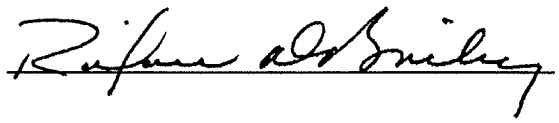
    b) A flow of up to 957 cfs (with a recurrence interval of twenty five years) is necessary in the North Fork of the Sprague River to scour vegetation from the North Fork of the Sprague River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the North Fork of the Sprague River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **528**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the North Fork of the Sprague River from Section 11 (NESW), Township 35S, Range 14E to Section 11 (NESW), Township 35S, Range 15E.

5. The claimed amount is:

May	181 cfs
June	82 cfs
July	35 cfs
August	29 cfs
September	30 cfs
October	33 cfs
November 1 to November 15	40 cfs

FINDINGS OF FACT

6. The North Fork of the Sprague River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **529**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 74 cfs the United States claims the flow from 74 to 957 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is August 21, 1906.

6. The claimed place of use is North Fork of the Sprague River from Section 30 (SWSW), Township 34S, Range 16E to Section 11 (SWNE), Township 35S, Range 15E.

FINDINGS OF FACT

7. The North Fork of the Sprague River is within lands reserved for forest purposes by the Proclamation of August 21, 1906 for the Goose Lake National Forest Reserve.

8. The priority date for this instream use is August 21, 1906.

9. The place of use is North Fork of the Sprague River from Section 30 (SWSW), Township 34S, Range 16E to Section 11 (SWNE), Township 35S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 74 cfs in the North Fork of the Sprague River will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the North Fork of the Sprague River channel.

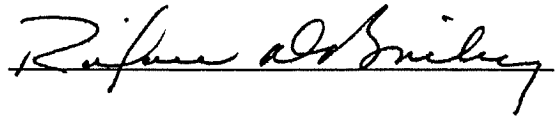
    b) A flow of up to 957 cfs (with a recurrence interval of twenty five years) is necessary in the North Fork of the Sprague River to scour vegetation from the North Fork of the Sprague River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the North Fork of the Sprague River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **530**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is August 21, 1906.

4. The claimed place of use is the North Fork of the Sprague River from Section 30 (SWSW), Township 34S, Range 16E to Section 11 (SWNE), Township 35S, Range 15E.

5. The claimed amount is:

May	181 cfs
June	82 cfs
July	35 cfs
August	29 cfs
September	30 cfs
October	33 cfs
November 1 to November 15	40 cfs

FINDINGS OF FACT

6. The North Fork of the Sprague River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on August 21, 1906 for the Goose Lake National Forest Reserve.

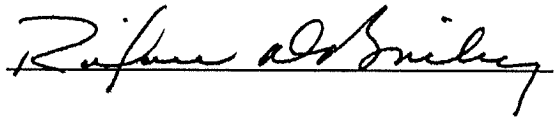
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **531**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 16 East, and Township 35 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 11 to 1042 cubic feet per second on the North Fork Sprague River , tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

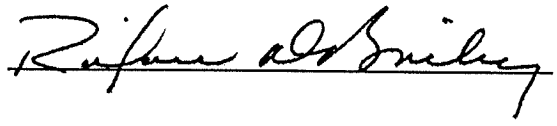
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **532**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 53 cfs the United States claims the flow from 53 to 630 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is September 17, 1906.

6. The claimed place of use is Paradise Creek from Section 11 (SENW), Township 34S, Range 15E to Section 22 (SWNE), Township 33S, Range 15E.

FINDINGS OF FACT

7. Paradise Creek is within lands reserved for forest purposes by the Proclamation of September 17, 1906 for the Fremont National Forest Reserve.

8. The priority date for this instream use is September 17, 1906.

9. The place of use is Paradise Creek from Section 11 (SENW), Township 34S, Range 15E to Section 22 (SWNE), Township 33S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 53 cfs in Paradise Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Paradise Creek channel.

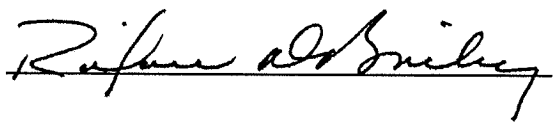
    b) A flow of up to 630 cfs (with a recurrence interval of twenty five years) is necessary in Paradise Creek to scour vegetation from Paradise Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Paradise Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **533**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is September 17, 1906.

4. The claimed place of use is Paradise Creek from Section 11 (SENW), Township 34S, Range 15E to Section 22 (SWNE), Township 33S, Range 15E.

5. The claimed amount is:

May	64 cfs
June	14 cfs
July	3.6 cfs
August	1.8 cfs
September	1.4 cfs
October	1.9 cfs
November 1 to November 15	2.3 cfs

FINDINGS OF FACT

6. Paradise Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 17, 1906 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **534**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Townshipd 34 and 33 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 1.0 to 686 cubic feet per second on Paradise Creek, tributary to the Sycan River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **535**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 33 cfs the United States claims the flow from 33 to 600 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is November 15, 1974.

6. The claimed place of use is Sand Creek from Section 31 (SWNE), Township 31S, Range 7E to Section 29 (NESW), Township 31S, Range 7E.

FINDINGS OF FACT

7. Sand Creek is within lands reserved for forest purposes by the Proclamation of November 15, 1974 for the Winema National Forest.

8. The priority date for this instream use is November 15, 1974.

9. The place of use is Sand Creek from Section 31 (SWNE), Township 31S, Range 7E to Section 29 (NESW), Township 31S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 33 cfs in Sand Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sand Creek channel.

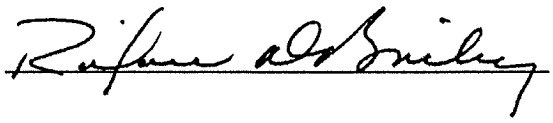
    b) A flow of up to 600 cfs (with a recurrence interval of twenty five years) is necessary in Sand Creek to scour vegetation from Sand Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Sand Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **536**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is November 15, 1974.

4. The claimed place of use is Sand Creek from Section 31 (SWNE), Township 31S, Range 7E to Section 29 (NESW), Township 31S, Range 7E.

5. The claimed amount is:

May	41 cfs
June	63 cfs
July	52 cfs
August	31 cfs
September	28 cfs
October	22 cfs
November 1 to November 15	20 cfs

FINDINGS OF FACT

6. Sand Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest..

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **537**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 13 to 653 cubic feet per second on Sand Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135586

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **538**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 33 cfs the United States claims the flow from 33 to 600 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is January 25, 1907.

6. The claimed place of use is Sand Creek from Section 35 (SWNE), Township 31S, Range 7.5E to Section 31 (SWNE), Township 31S, Range 7E.

FINDINGS OF FACT

7. Sand Creek is within lands reserved for forest purposes by the Proclamation of January 25, 1907 to the Cascade National Forest Reserve.

8. The priority date for this instream use is January 25, 1907.

9. The place of use is Sand Creek from Section 35 (SWNE), Township 31S, Range 7.5E to Section 31 (SWNE), Township 31S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 33 cfs in Sand Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sand Creek channel.

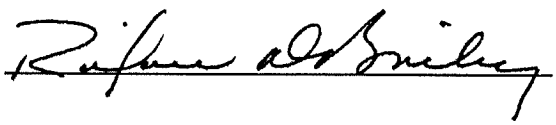
    b) A flow of up to 600 cfs (with a recurrence interval of twenty five years) is necessary in Sand Creek to scour vegetation from Sand Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Sand Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **539**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is January 25, 1907.

4. The claimed place of use is Sand Creek from Section 35 (SWNE), Township 31S, Range 7.5E to Section 31 (SWNE), Township 31S, Range 7E..

5. The claimed amount is:

May	41 cfs
June	63 cfs
July	52 cfs
August	31 cfs
September	28 cfs
October	22 cfs
November 1 to November 15	20 cfs

FINDINGS OF FACT

6. Sand Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on January 25, 1907 for the Cascade Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **540**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 13 to 653 cubic feet per second on Sand Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **541**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 14 cfs the United States claims the flow from 14 to 207 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is January 25, 1907.

6. The claimed place of use is Scott Creek Section 11 (SESW), Township 31S, Range 7.5E to Section 18, (SWNE), Township 31S, Range 7E.

FINDINGS OF FACT

7. Scott Creek is within lands reserved for forest purposes by the Proclamation of January 25, 1907 to the Cascade National Forest Reserve.

8. The priority date for this instream use is January 25, 1907.

9. The place of use is Scott Creek Section 11 (SESW), Township 31S, Range 7.5E to Section 18, (SWNE), Township 31S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 14 cfs in Scott Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Scott Creek channel.

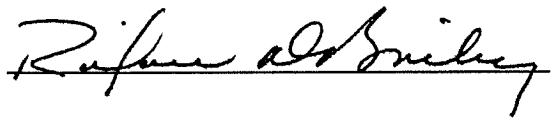
    b) A flow of up to 207 cfs (with a recurrence interval of twenty five years) is necessary in Scott Creek to scour vegetation from Scott Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Scott Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **542**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is January 25, 1907.

4. The claimed place of use is Scott Creek from Section 11 (SESW), Township 31S, Range 7.5E to Section 18 (SWNE), Township 31S, Range 7E.

5. The claimed amount is:

May	19 cfs
June	32 cfs
July	25 cfs
August	14 cfs
September	12 cfs
October	9.1 cfs
November 1 to November 15	8.0 cfs

FINDINGS OF FACT

6. Scott Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on January 25, 1907 for the Cascade Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **543**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 13.3 to 226 cubic feet per second on Scott Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **544**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 76 cfs the United States claims the flow from 76 to 403 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Sevenmile Creek from Section10 (NESW), Township 33S, Range 6E to Section 14 (SESE), Township 33S, Range 6E.

FINDINGS OF FACT

7. Sevenmile Creek is within lands reserved for forest purposes by the Proclamation of September 28, 1893 to the Cascade Range Forest.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Sevenmile Creek from Section10 (NESW), Township 33S, Range 6E to Section 14 (SESE), Township 33S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 76 cfs in Sevenmile Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sevenmile Creek channel.

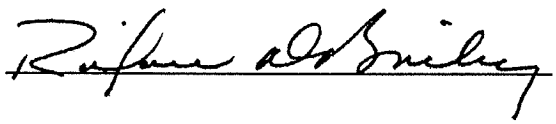
    b) A flow of up to 403 cfs (with a recurrence interval of twenty five years) is necessary in Sevenmile Creek to scour vegetation from Sevenmile Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Sevenmile Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **545**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Sevenmile Creek from Section 10 (NESW), Township 33S, Range 6E to Section 14 (SESE), Township 33S, Range 6E.

5. The claimed amount is:

May	36 cfs
June	28 cfs
July	17 cfs
August	17 cfs
September	18 cfs
October	19 cfs
November 1 to November 15	19 cfs

FINDINGS OF FACT

6. Sevenmile Creek is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

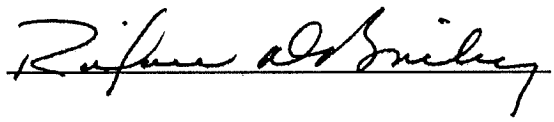
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **546**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 10 to 439 cubic feet per second on Sevenmile Creek, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

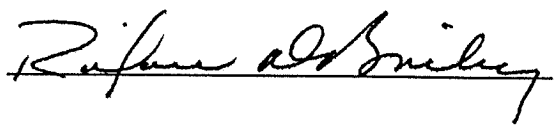
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135604

Summary - Preliminary Evaluation of Claims Claim No. **547**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 6.5 cfs the United States claims the flow from 6.5 to 367 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Sink Creek from Section 11 (NESE), Township 28S, Range 6E to Section 13 (NENE), Township 28S, Range 6E.

FINDINGS OF FACT

7. Sink Creek is within lands reserved for forest purposes by the Proclamation of September 28, 1893 to the Cascade Range Forest.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Sink Creek from Section 11 (NESE), Township 28S, Range 6E to Section 13 (NENE), Township 28S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 6.5 cfs in Sink Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sink Creek channel.

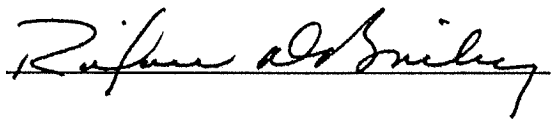
    b) A flow of up to 367 cfs (with a recurrence interval of twenty five years) is necessary in Sink Creek to scour vegetation from Sink Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Sink Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **548**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Sink Creek from Section 11 (NESE), Township 28S, Range 6E to Section 13 (NENE), Township 28S, Range 6E.

5. The claimed amount is:

May	12.6 cfs
June	27.8 cfs
July	11.9 cfs
August	5.9 cfs
September	4.3 cfs
October	4.0 cfs
November 1 to November 15	3.7 cfs

FINDINGS OF FACT

6. Sink Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **549**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 41 cfs the United States claims the flow from 41 to 402 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is March 2, 1907.

6. The claimed place of use is Spencer Creek from Section 18 (NWSW), Township 38S, Range 6E to Section 18 (NWSE), Township 38S, Range 6E.

FINDINGS OF FACT

7. Spencer Creek is within lands reserved for forest purposes by the Proclamation of March 2, 1907 to the Cascade National Forest Reserve.

8. The priority date for this instream use is March 2, 1907.

9. The place of use is Spencer Creek from Section 18 (NWSW), Township 38S, Range 6E to Section 18 (NWSE), Township 38S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 41 cfs in Spencer Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Spencer Creek channel.

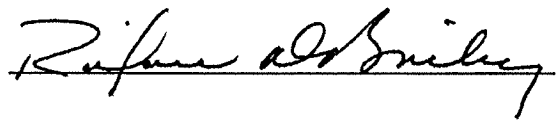
    b) A flow of up to 402 cfs (with a recurrence interval of twenty five years) is necessary in Spencer Creek to scour vegetation from Spencer Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Spencer Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **550**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is March 2, 1907.

4. The claimed place of use is Spencer Creek from Section 18 (NWSW), Township 38S, Range 6E to Section 18 (NWSE), Township 38S, Range 6E.

5. The claimed amount is:

May	66 cfs
June	44 cfs
July	28 cfs
August	25 cfs
September	26 cfs
October	28 cfs
November 1 to November 15	29 cfs

FINDINGS OF FACT

6. Spencer Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on March 2, 1907 for the Cascade Forest Reserve.

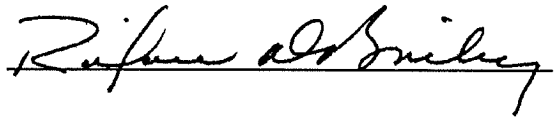
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **551**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 38 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 17 to 438 cubic feet per second on Spencer Creek, tributary to the Klamath River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **552**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 6.6 cfs the United States claims the flow from 6.6 to 237 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Threemile Creek from Section 5 (SWSW), Township 34S, Range 34E to Section 2 (NWSE), Township 34S, Range 6E.

FINDINGS OF FACT

7. Threemile Creek is within lands reserved for forest purposes by the Proclamation of September 28, 1893.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Threemile Creek from Section 5 (SWSW), Township 34S, Range 34E to Section 2 (NWSE), Township 34S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 6.6 cfs in Threemile Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Threemile Creek channel.

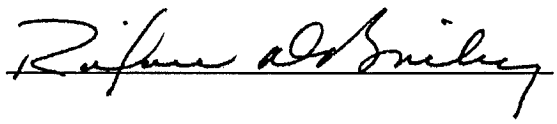
    b) A flow of up to 237 cfs (with a recurrence interval of twenty five years) is necessary in Threemile Creek to scour vegetation from Threemile Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Threemile Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **553**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Threemile Creek from Section 5 (SWSW), Township 34S, Range 6E to Section 2 (NWSE) Township 34S, Range 6E.

5. The claimed amount is:

May	29 cfs
June	13 cfs
July	3.1 cfs
August	1.9 cfs
September	2.1 cfs
October	2.6 cfs
November 1 to November 15	3.0 cfs

FINDINGS OF FACT

6. Threemile Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 18, 1893 for the Cascade Range Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **554**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.7 to 258 cubic feet per second on Threemile Creek, tributary to Fourmile Creek, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **555**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is Trout Creek from Section 35 (SWSW), Township 35S, Range 9E to Section 35 (NESE), Township 35S, Range 9E.

5. The claimed amount is:

May	9.1 cfs
June	5.5 cfs
July	3.1 cfs
August	2.6 cfs
September	2.8 cfs
October	2.9 cfs
November 1 to November 15	3.0 cfs

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **556**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.6 to 8.5 cubic feet per second on Trout Creek, tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **557**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 5.8 cfs the United States claims the flow from 5.8 to 183 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 4, 1897.

6. The claimed place of use is Varney Creek from Section 34 (SWSW), Township 36S, Range 6E to Section 21 (NENW), Township 36S, Range 6E.

FINDINGS OF FACT

7. Varney Creek is within lands reserved for forest purposes by the Proclamation of September 28, 1893.

8. The priority date for this instream use is June 4, 1897.

9. The place of use is Varney Creek from Section 34 (SWSW), Township 36S, Range 6E to Section 21 (NENW), Township 36S, Range 6E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 5.8 cfs in Varney Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Varney Creek channel.

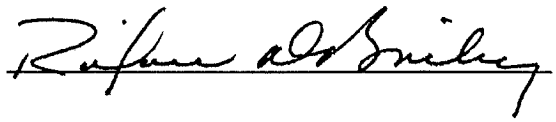
    b) A flow of up to 183 cfs (with a recurrence interval of twenty five years) is necessary in Varney Creek to scour vegetation fromVarney Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Varney Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **558**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 4, 1897.

4. The claimed place of use is Varney Creek from Section 34 (SWSW), Township 36S, Range 6E to Section 21 (NENW), Township 36S, Range 6E.

5. The claimed amount is:

May	6.1 cfs
June	2.1 cfs
July	1.1 cfs
August	0.6 cfs
September	0.5 cfs
October	0.4 cfs
November 1 to November 15	0.0 cfs

FINDINGS OF FACT

6. Varney Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 28, 1893 for the Cascade Range Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **559**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 0.3 to 199 cubic feet per second on Varney Creek, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

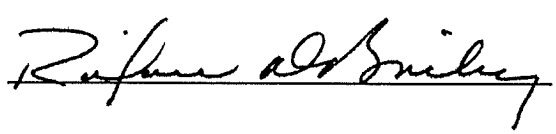
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135629

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **560**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 115 cfs the United States claims the flow from 115 to 281 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 12, 1956.

6. The claimed place of use is Cow Creek from Section 11 (SESW), Township 41S, Range 1W to Section 11 (SESW), Township 41S, Range 1W.

FINDINGS OF FACT

7. Cow Creek is within lands reserved for forest purposes by Proclamation on March 2, 1907 for the Ashland National Forest Reserve.

8. The priority date for this instream use is March 2, 1907.

9. The place of use is Cow Creek from Section 11 (SESW), Township 41S, Range 1W to Section 11 (SESW), Township 41S, Range 1W.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 115 cfs in Cow Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Cow Creek channel.

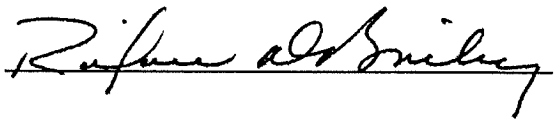
    b) A flow of up to 281 cfs (with a recurrence interval of twenty five years) is necessary in Cow Creek to scour vegetation from Cow Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Cow Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135633

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **561**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is March 2, 1907.

4. The claimed place of use is Cow Creek from Section 11 (SESW), Township 41S, Range 1W to Section 11 (SESW), Township 41S, Range 1W.

5. The claimed amount is:

May	96 cfs
June	58 cfs
July	24 cfs
August	17 cfs
September	18 cfs
October	21 cfs
November 1 to November 15	23 cfs

FINDINGS OF FACT

6. Cow Creek (as described in paragraph 4) is within lands reserved for forest purposes by Order Exchanging Administrative Jurisdiction on June 21, 1956.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **562**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 41 South, Range 1 West, W.M.

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 16 to 306 cubic feet per second on Cow Creek, tributary to Beaver Creek, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Klamath National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **563**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 115 cfs the United States claims the flow from 115 to 281 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is June 12, 1956.

6. The claimed place of use is Cow Creek from Section 14 (NENW), Township 41S, Range 1W to Section 14 (NESE), Township 41S, Range 1W.

FINDINGS OF FACT

7. Cow Creek is within lands reserved for forest purposes by Proclamation on March 2, 1907 for the Ashland National Forest Reserve.

8. The priority date for this instream use is March 2, 1907.

9. The place of use is Cow Creek Section 14 (NENW), Township 41S, Range 1W to Section 14 (NESE), Township 41S, Range 1W.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 115 cfs in Cow Creek will ensure that the stream channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Cow Creek channel.

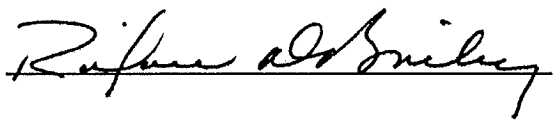
    b) A flow of up to 281 cfs (with a recurrence interval of twenty five years) is necessary in Cow Creek to scour vegetation from Cow Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Cow Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **564**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is June 12, 1956

4. The claimed place of use is Cow Creek from Section 14 (NENW), Township 41S, Range 1W to Section 14 (NESE), Township 41S, Range 1W.

5. The claimed amount is:

May	96 cfs
June	58 cfs
July	24 cfs
August	17 cfs
September	18 cfs
October	21 cfs
November 1 to November 15	23 cfs

FINDINGS OF FACT

6. Cow Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on March 2, 1907 for the Ashland Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **565**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 923 cfs the United States claims the flow from 93 to 7409 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is Sprague River from Section 30 (NENW), Township 34S, Range 8E to Section 36 (NENW), Township 34S, Range 7E.

FINDINGS OF FACT

7. The Sprague River is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is Sprague River from Section 30 (NENW), Township 34S, Range 8E to Section 36 (NENW), Township 34S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 923 cfs in the Sprague River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sprague River channel.

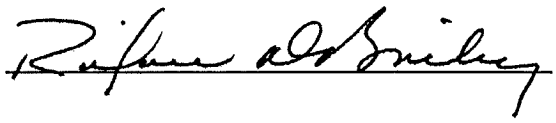
    b) A flow of up to 7409 cfs (with a recurrence interval of twenty five years) is necessary in the Sprague River to scour vegetation from the Sprague River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sprague River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **566**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is the Sprague River from Section 30 (NENW), Township 34S, Range 8E to Section 36 (NENW), Township 34S, Range 7E.

5. The claimed amount is:

May	1100 cfs
June	590 cfs
July	300 cfs
August	248 cfs
September	269 cfs
October	320 cfs
November 1 to November 15	375 cfs

FINDINGS OF FACT

6. The Sprague River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **567**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Ranges 8 and 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 9, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 200 to 8070 cubic feet per second on the Sprague River, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **568**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 140 cfs the United States claims the flow from 140 to 926 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is the South Fork of the Sprague River from Section 2 (NESW), Township 37S, Range 15E to Section 2 (SENW), Township 37S, Range 15E.

FINDINGS OF FACT

7. The South Fork of the Sprague River is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is South Fork of the Sprague River from Section 2 (NESW), Township 37S, Range 15E to Section 2 (SENW), Township 37S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 140 cfs in the Sprague River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sprague River channel.

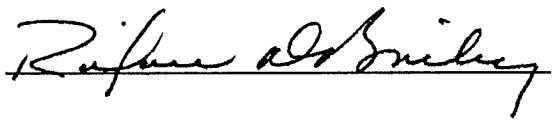
    b) A flow of up to 926 cfs (with a recurrence interval of twenty five years) is necessary in the Sprague River to scour vegetation from the Sprague River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the South Fork of the Sprague River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **569**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the South Fork of the Sprague River from Section 2 (NESW), Township 37S, Range 15E to Section 2 (SENW), Township 37S, Range 15E.

5. The claimed amount is:

May	137 cfs
June	52 cfs
July	17 cfs
August	11 cfs
September	12 cfs
October	14 cfs
November 1 to November 15	18 cfs

FINDINGS OF FACT

6. The South Fork of the Sprague River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont Forest Reserve.

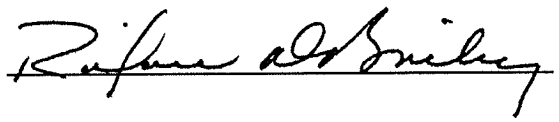
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **570**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 37 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 9, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 11 to 1010 cubic feet per second on the South Fork Sprague River, tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

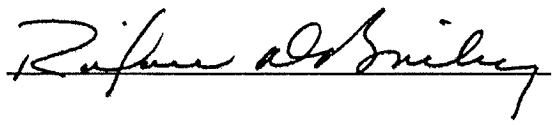
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **571**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to281 cfs the United States claims the flow from 281 to 3552 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is the Sycan River from Section 10 (NESW), Township 33S, Range 13E to Section 1 (NENE), Township 34S, Range 11E.

FINDINGS OF FACT

7. The Sycan River is within lands reserved for forest purposes by Proclamation on April 15, 1961.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is the Sycan River from Section 10 (NESW), Township 33S, Range 13E to Section 1 (NENE), Township 34S, Range 11E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 281 cfs in the Sycan River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sycan River channel.

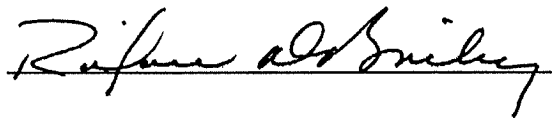
    b) A flow of up to 3552 cfs (with a recurrence interval of twenty five years) is necessary in the Sycan River to scour vegetation from the Sycan River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sycan River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **572**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is the Sycan River from Section 10 (NESW), Township 33S, Range 13E to Section 1 (NENE), Township 34S, Range 11E.

5. The claimed amount is:

May	357 cfs
June	113 cfs
July	21 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November 1 to November 15	22 cfs

FINDINGS OF FACT

6. The Sycan River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961.

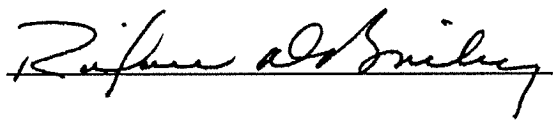
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **573**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 13 East and Township 34 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 9, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 5.8 to 3870 cubic feet per second on the Sycan River, tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA), under a priority of April 15, 1961. In reserving lands for forest purposes by Proclamation of April 15, 1961, the President did not designate the lands added to the Fremont National Forest for MUSYA purposes, nor does the Proclamation of April 15, 1961, purport to create a reservation in the Fremont National Forest under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **574**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the Sycan River from Section 22 (SWNE), Township 33S, Range 15E to Section 15 (NWSW), Township 33S, Range 15E.

5. The claimed amount is:

May	193 cfs
June	54 cfs
July	15 cfs
August	9.4 cfs
September	7.5 cfs
October	7.7 cfs
November 1 to November 15	9.5 cfs

FINDINGS OF FACT

6. The Sycan River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **575**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 81 cfs the United States claims the flow from 81 to 1921 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is the Sycan River from Section 22 (SWNE), Township 33S, Range 15E to Section 15 (NWSW), Township 33S, Range 15E.

FINDINGS OF FACT

7. The Sycan River is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is the Sycan River from Section 22 (SWNE), Township 33S, Range 15E to Section 15 (NWSW), Township 33S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 81 cfs in the Sycan River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sycan River channel.

    b) A flow of up to 1921 cfs (with a recurrence interval of twenty five years) is necessary in the Sycan River to scour vegetation from the Sycan River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sycan River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **576**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 15 East and Township 32 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 9, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 5.8 to 2090 cubic feet per second on the Sycan River, tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

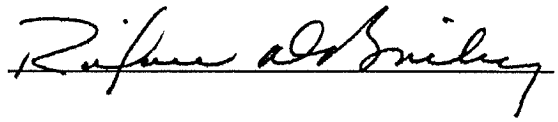
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **577**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 81 cfs the United States claims the flow from 81 to 1921 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is September 17, 1906.

6. The claimed place of use is the Sycan River from Section 23 (SESE), Township 32S, Range 14E to Section 22 (SWSW), Township 32 S, Range 14E.

FINDINGS OF FACT

7. The Sycan River is within lands reserved for forest purposes by Proclamation on September 17, 1906 for the Fremont National Forest Reserve.

8. The priority date for this instream use is September 17, 1906.

9. The place of use is the Sycan River from Section 23 (SESE), Township 32S, Range 14E to Section 22 (SWSW), Township 32 S, Range 14E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 81 cfs in the Sycan River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sycan River channel.

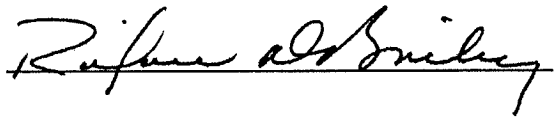
    b) A flow of up to 1921 cfs (with a recurrence interval of twenty five years) is necessary in the Sycan River to scour vegetation from the Sycan River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sycan River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **578**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is September 17, 1906.

4. The claimed place of use is the Sycan River from Section 23 (SESE), Township 32S, Range 14E to Section 22 (SWSW), Township 32S, Range 14E.

5. The claimed amount is:

May	193 cfs
June	54 cfs
July	15 cfs
August	9.4 cfs
September	7.5 cfs
October	7.7 cfs
November 1 to November 15	9.5 cfs

FINDINGS OF FACT

6. The Sycan River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on September 17, 1906 for the Fremont National Forest Reserve.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **579**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 99 cfs the United States claims the flow from 99 to 1195 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is November 15, 1974.

6. The claimed place of use is the Williamson River from Section 30 (SWNW), Township 31S, Range 11E to Section 24 (NESE), Township 31S, Range 10E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

8. The priority date for this instream use is November 15, 1974.

9. The place of use is the Williamson River from Section 30 (SWNW), Township 31S, Range 11E to Section 24 (NESE), Township 31S, Range 10E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 99 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

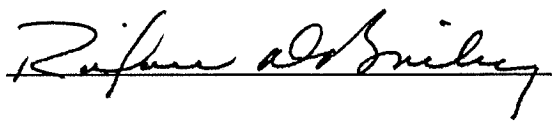
    b) A flow of up to 1195 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **580**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is November 15, 1974.

4. The claimed place of use is the Williamson River from Section 30 (SWNW), Township 31S, Range 11E to Section 24 (NESE), Township 31S, Range 10E.

5. The claimed amount is:

May	116 cfs
June	93 cfs
July	64 cfs
August	57 cfs
September	60 cfs
October	64 cfs
November 1 to November 15	64 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **581**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Ranges 10 and 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 48 to 1300 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **582**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 99 cfs the United States claims the flow from 99 to 1195 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961

6. The claimed place of use is the Williamson River from Section 6 (NENW), Township 32S, Range 11E to Section 31 (NWNW), Township 31S, Range 11E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is the Williamson River from from Section 6 (NENW), Township 32S, Range 11E to Section 31 (NWNW), Township 31S, Range 11E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 99 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

    b) A flow of up to 1195 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **583**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is the Williamson River from Section 6 (NENW), Township 32S, Range 11E to Section 31 (NWNW), Township 31S, Range 11E.

5. The claimed amount is:

May	116 cfs
June	93 cfs
July	64 cfs
August	57 cfs
September	60 cfs
October	64 cfs
November 1 to November 15	64 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961 to the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **584**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Townships 32 and 31 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 448 to 1300 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

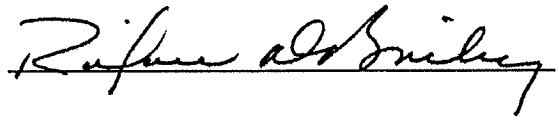
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **585**

Klamath Basin General Stream Adjudication *USFS* claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 209 cfs the United States claims the flow from 209 to 5175 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is November 15, 1974.

6. The claimed place of use is the Williamson River from Section 25 (SWSW), Township 33S, Range 7E to Section 35 (NESE), Township 33S, Range 7E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

8. The priority date for this instream use is November 15, 1974.

9. The place of use is the Williamson River from Section 25 (SWSW), Township 33S, Range 7E to Section 35 (NESE), Township 33S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 209 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

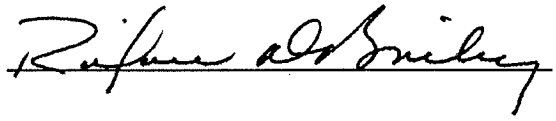
    b) A flow of up to 5175 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **586**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is November 15, 1974.

4. The claimed place of use is the Williamson River from Section 25, (SWSW), Township 33S, Range 7E to Section 35 (NESE), Township 33S, Range 7E.

5. The claimed amount is:

May	209 cfs
June	71 cfs
July	33 cfs
August	21 cfs
September	21 cfs
October	21 cfs
November 1 to November 15	106 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

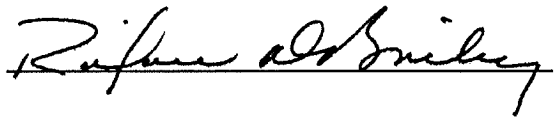
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **587**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 33 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 21 to 5630 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **588**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 209 cfs the United States claims the flow from 209 to 5175 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is the Williamson River from Section 2 (NWNE), Township 34S, Range 7E to Section 3 (SESE), Township 34S, Range 7E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is the Williamson River from Section 2 (NWNE), Township 34S, Range 7E to Section 3 (SESE), Township 34S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 209 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

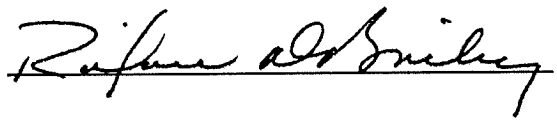
    b) A flow of up to 5175 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **589**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on April 29, 1997 and amended on August 3, 1999.

3. The claimed priority date is April 15, 1961.

4. The claimed place of use is the Williamson River from Section 2 (NWNE) Township 34S, Range 7E to Section 3 (SESE) Township 34S, Range 7E.

5. The claimed amount is:

May	209 cfs
June	71 cfs
July	33 cfs
August	21 cfs
September	21 cfs
October	21 cfs
November 1 to November 15	106 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation on April 15, 1961 for the Winema National Forest.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **590**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 8, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 21 to 5630 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The court in the *Adair* case ruled that the United States was not entitled to any flows in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **709**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 19 cfs the United States claims the flow from 19 to 527 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is January 25, 1907.

6. The claimed place of use is Miller Creek from Section 32 (SWNE), Township 27S, Range 7E to Section 32 (SENE), Township 27S, Range 7E.

FINDINGS OF FACT

7. Miller Creek is within lands reserved for forest purposes by Proclamation on January 25, 1907 for the Cascade National Forest Reserve.

8. The priority date for this instream use is January 25, 1907.

9. The place of use is Miller Creek from Section 32 (SWNE), Township 27S, Range 7E to Section 32 (SENE), Township 27S, Range 7E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 19 cfs in Miller Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Miller Creek channel.

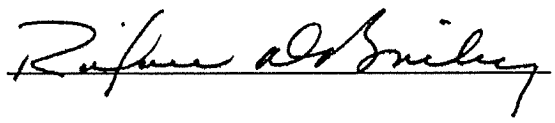
    b) A flow of up to 527 cfs (with a recurrence interval of twenty five years) is necessary in Miller Creek to scour vegetation from Miller Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Miller Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **710**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is January 25, 1907.

4. The claimed place of use is Miller Creek from Section 32 (SWNE), Township 27S, Range 7E to Section 32 (SENE) Township 27S, Range 7E.

5. The claimed amount is:

May	39 cfs
June	41 cfs
July	22 cfs
August	12 cfs
September	8.8 cfs
October	8.4 cfs
November 1 to November 15	8.1 cfs

FINDINGS OF FACT

6. Miller Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation of January 25, 1907.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **711**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 27 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 8.1 to 527 cubic feet per second on Miller Creek, tributary to the Williamson River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*.

2. The claim is based on the Multiple Use Sustained Yield Act.

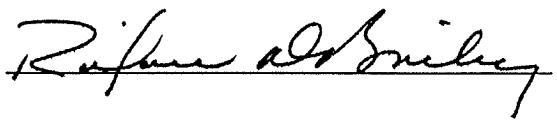
3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **712**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 99 cfs the United States claims the flow from 99 to 1195 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is November 15, 1974.

6. The claimed place of use is the Williamson River from Section 24 (NENE), Township 31S, Range 10E to Section 7 (NWSW), Township 31S, Range 11E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

8. The priority date for this instream use is November 15, 1974.

9. The place of use is the Williamson River from Section 24 (NENE), Township 31S, Range 10E to Section 7 (NWSW), Township 31S, Range 11E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 99 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

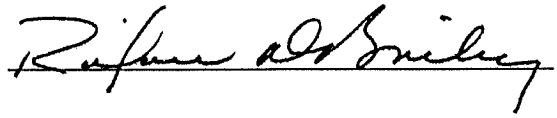
    b) A flow of up to 1195 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **713**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is November 15, 1974.

4. The claimed place of use is the Williamson river from Section 24 (NENE), Township 31S, Range 10E to Section 7 (NWSW) Township 31S, Range 11E, WM.

5. The claimed amount is:

May	116 cfs
June	93 cfs
July	64 cfs
August	57 cfs
September	60 cfs
October	64 cfs
November 1 to November 15	64 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Declaration of November 15, 1974.

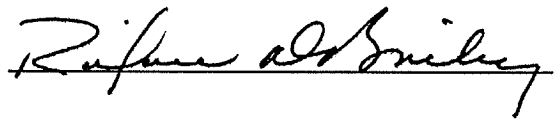
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **714**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 57 to 1195 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is November 15, 1975.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **715**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 99 cfs the United States claims the flow from 99 to 1195 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is November 15, 1974.

6. The claimed place of use is the Williamson River from Section 12 (SENE), Township 31S, Range 10E to Section 12 (NWNE), Township 31S, Range 10E.

FINDINGS OF FACT

7. The Williamson River is within lands reserved for forest purposes by Proclamation on November 15, 1974 for the Winema National Forest.

8. The priority date for this instream use is November 15, 1974.

9. The place of use is the Williamson River from Section 12 (SENE), Township 31S, Range 10E to Section 12 (NWNE), Township 31S, Range 10E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 99 cfs in the Williamson River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Williamson River channel.

    b) A flow of up to 1195 cfs (with a recurrence interval of twenty five years) is necessary in the Williamson River to scour vegetation from the Williamson River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Williamson River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **716**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is November 15, 1974.

4. The claimed place of use is the Williamson river from Section 12 (SENE), Township 31S, Range 10E to Section 12 (NWNE) Township 31S, Range 10E, WM.

5. The claimed amount is:

May	116 cfs
June	93 cfs
July	64 cfs
August	57 cfs
September	60 cfs
October	64 cfs
November 1 to November 15	64 cfs

FINDINGS OF FACT

6. The Williamson River (as described in paragraph 4) is within lands reserved for forest purposes by Declaration of November 15, 1974.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **717**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 31 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 57 to 1195 cubic feet per second on the Williamson River, tributary to Klamath Lake, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 U.S.C. 528 *et. seq.*.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is November 15, 1974.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **718**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 15 cfs the United States claims the flow from 15 to 370 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is Brownsworth Creek from Section 36 (SWSW), Township 36S, Range 15E to Section 36 (SWSW), Township 36S, Range 15E.

FINDINGS OF FACT

7. Brownsworth Creek is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is Brownsworth Creek from Section 36 (SWSW), Township 36S, Range 15E to Section 36 (SWSW), Township 36S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 15 cfs in Brownsworth Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Brownsworth Creek channel.

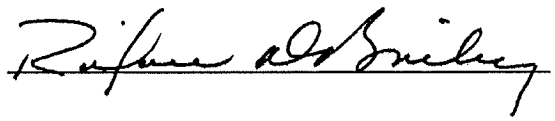
    b) A flow of up to 370 cfs (with a recurrence interval of twenty five years) is necessary in Brownsworth Creek to scour vegetation from Brownsworth Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Brownsworth Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **719**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is Brownsworth Creek from Section 36 (SWSW), Township 36S, Range 15E to Section 36 (SWSW) Township 36S, Range 15E, WM.

5. The claimed amount is:

May	36 cfs
June	16 cfs
July	6.1 cfs
August	4.4 cfs
September	4.6 cfs
October	5.2 cfs
November 1 to November 15	6.3 cfs

FINDINGS OF FACT

6. Brownsworth Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation of October 14, 1935.

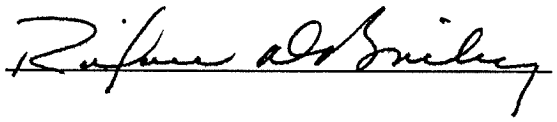
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **720**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 4.4 to 370 cubic feet per second on Brownsworth Creek, tributary to the South Fork of the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 et. seq.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **721**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 15 cfs the United States claims the flow from 15 to 370 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is Brownsworth Creek from Section 2 (NENE), Township 37S, Range 15E to Section 2 (SENW), Township 37S, Range 15E.

FINDINGS OF FACT

7. Brownsworth Creek is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is Brownsworth Creek from Section 2 (NENE), Township 37S, Range 15E to Section 2 (SENW), Township 37S, Range 15E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 15 cfs in Brownsworth Creek will ensure that the creek channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Brownsworth Creek channel.

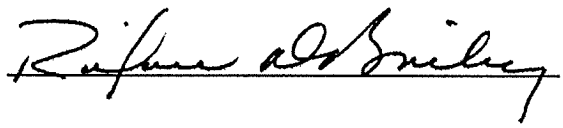
    b) A flow of up to 370 cfs (with a recurrence interval of twenty five years) is necessary in Brownsworth Creek to scour vegetation from Brownsworth Creek's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for Brownsworth Creek.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **722**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is Brownsworth Creek from Section 2 (NENE), Township 37S, Range 15E to Section 2 (SENW) Township 37S, Range 15E, WM.

5. The claimed amount is:

May	36 cfs
June	16 cfs
July	6.1 cfs
August	4.4 cfs
September	4.6 cfs
October	5.2 cfs
November 1 to November 15	6.3 cfs

FINDINGS OF FACT

6. Brownsworth Creek (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation of October 14, 1935.

7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **723**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 37 South, Range 15 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 4.4 to 370 cubic feet per second on Brownsworth Creek, tributary to the South Fork of the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*.

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **724**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 81 cfs the United States claims the flow from 81 to 1921 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is October 14, 1935.

6. The claimed place of use is the Sycan River from Section 16 (NENE), Township 33S, Range 15E to Section 24 (SWSW), Township 32S, Range 14E.

FINDINGS OF FACT

7. The Sycan River is within lands reserved for forest purposes by Proclamation on October 14, 1935 for the Fremont National Forest Reserve.

8. The priority date for this instream use is October 14, 1935.

9. The place of use is the Sycan River from Section 16 (NENE), Township 33S, Range 15E to Section 24 (SWSW), Township 32S, Range 14E.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 81 cfs in the Sycan River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sycan River channel.

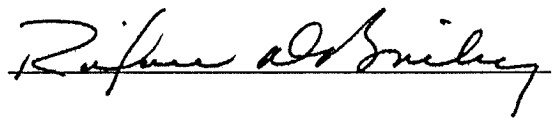
    b) A flow of up to 1921 cfs (with a recurrence interval of twenty five years) is necessary in the Sycan River to scour vegetation from the Sycan River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sycan River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **725**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the Sycan River from Section 16 (NENE), Township 33S, Range 15E to Section 24 (SWSW) Township 32S, Range 14E, WM.

5. The claimed amount is:

May	193 cfs
June	54 cfs
July	15 cfs
August	9.4 cfs
September	7.5 cfs
October	7.7 cfs
November 1 to November 15	9.5 cfs

FINDINGS OF FACT

6. The Sycan River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation of October 14, 1935.

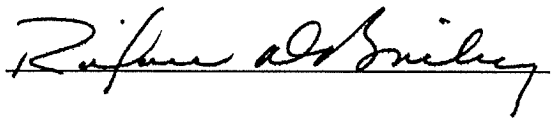
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **726**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A CLAIM FOR FAVORABLE CONDITIONS OF FLOW

1. Claims for instream flow for "favorable conditions of water flows" under the Organic Act (16 USC § 473 *et seq.*) for "channel maintenance" are proper if the United States can prove as a factual matter:

   a. That an instream flow claim for channel maintenance in the national forest is necessary to assure favorable conditions of water flows, thereby enhancing the quantity of water available for water users.

   b. That the requested amount is the minimum quantity of water which must be reserved for the primary purpose of the reservation which is to secure favorable conditions of water flows within the boundaries of the national forest.

CLAIM INFORMATION

2. The claim was filed on April 19, 1997 and amended on August 3, 1999.

3. The claim provides that when the natural flow is greater than or equal to 281 cfs the United States claims the flow from 281 to 3552 cfs.

4. The claimed period of use is January 1 to December 31.

5. The claimed priority date is April 15, 1961.

6. The claimed place of use is the Sycan River from Section 12 (NENE), Township 34S, Range 11E to Section 31 (SWSE), Township 34S, Range 12E.

FINDINGS OF FACT

7. The Sycan River is within lands reserved for forest purposes by Proclamation on April 15, 1961.

8. The priority date for this instream use is April 15, 1961.

9. The place of use is the Sycan River from Section 12 (NENE), Township 34S, Range 11E to Section 31 (SWSE), Township 34S, Range 12S.

10. The period of use is January 1 to December 31.

11. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to maintain stream channels in an open condition over time to ensure and enhance the delivery of water to downstream users.

12. The USFS instream flow claim for channel maintenance is for the minimum amount of streamflow necessary to protect forests and the integrity of stream channels for the conveyance of streamflow such that forest lands can contribute to a sustainable water supply to downstream water users. Without the claimed flows, the stream channel would have reduced capacity to convey water as flows would be impeded by stream sediment thereby increasing the risk of flooding and decreasing the efficiency of water delivery.

13. The minimum quantity of water needed for channel maintenance is as follows:

    a) A flow equal to or greater than 281 cfs in the Sycan River will ensure that the river channel's "framework particles" are moved at such a rate and with such frequency as to maintain the channel capacity of the Sycan River channel.

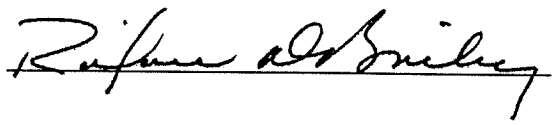
    b) A flow of up to 3552 cfs (with a recurrence interval of twenty five years) is necessary in the Sycan River to scour vegetation from the Sycan River's active channel and maintain the active flood plain.

CONCLUSION

14. The elements of an instream claim for favorable conditions of flows under the Organic Act, 16 USC § 473 *et seq.* are established for the Sycan River.

15. This claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **727**
USFS claim

Claimant(s) of Record:

United States of America,
Forest Service (USFS)
1220 S.W. 3rd, Room 1734
Portland OR 97204

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A CLAIM FOR TIMBER PROTECTION

1. Claims for instream flow for the purpose of controlling and preventing forest fires to protect timber under the Organic Act (16 USC § 473 *et seq.*) are proper if the United States can prove as a factual matter:

   a. That the instream flows claimed are the minimum needed to fight fires and/or act as a fire barrier in order to protect timber in the national forest.

CLAIM INFORMATION

2. The claim was filed on August 3, 1999.

3. The claimed priority date is October 14, 1935.

4. The claimed place of use is the Sycan River from Section 12 (NENE), Township 34S, Range 11E to Section 31 (SWSE) Township 31S, Range 12E, WM.

5. The claimed amount is:

May	357 cfs
June	113 cfs
July	21 cfs
August	10 cfs
September	13 cfs
October	17 cfs
November 1 to November 15	22 cfs

FINDINGS OF FACT

6. The Sycan River (as described in paragraph 4) is within lands reserved for forest purposes by Proclamation of October 14, 1935.

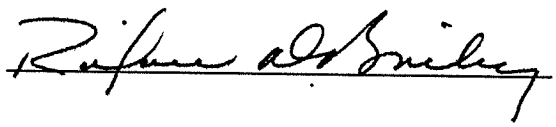
7. The risk of fire on the forests is greatest from June through October.

8. Maintenance of or preservation of rivers, streams, creeks, lakes and ponds as wet areas is important for successful fire suppression efforts.

CONCLUSION

9. The United States has established that the claimed flows are the minimum quantity of instream flows needed for the purpose of a fire barrier to protect timber. Therefore, this claim is APPROVED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **728**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 34 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for an instream flow ranging from 5.8 to 3552 cubic feet per second on the Sycan River, tributary to the Sprague River, for fish and outdoor recreation pursuant to the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et. seq.*

2. The claim is based on the Multiple Use Sustained Yield Act.

3. The claimed period of use is January 1 through December 31 of each year.

4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

U.S. BUR.
LAND MGMT

KBA_APP_135736

> It is hereby ordered that every smallest legal subdivision of public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land, be and the same is hereby withdrawn from settlement, location, sale or entry, and reserved for public use in accordance with the provisions of Section 10 of the Act of December 29, 1916.

The Executive Order was authorized under the Stock Raising Homestead Act (SHRA).[4] This Act authorized the President to reserve lands containing waterholes or other bodies of water needed or used by the public for watering purposes.

The Secretary of the Interior's recommendation[5] to the president stated:

> The control of water in the semi arid regions of the west means the control of the surrounding grazing areas, possibly in some regions millions of acres, and in view of the pending bill to authorize the leasing of grazing lands upon unreserved public domain, it is believed important to retain the title to and supervision of such spring and water holes on the unreserved public domain as have not already been appropriated.

The United States made claims under this Executive Order in adjudications in Colorado and Idaho, and the Supreme Courts of those states recognized those claims. The Colorado Supreme Court stated: "Reserved water from public springs and water holes is available for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources."[6] The Idaho Supreme Court came to a similar conclusion.[7] We are persuaded by the reasoning in these cases. Therefore, we conclude that water is reserved under this Executive Order for the primary purposes of stock watering and human consumption and carries a priority date of April 17, 1926.

2. Wild and Scenic Rivers Act

In Claim #376, the BLM has made a claim for a water right on the Klamath River between JC Boyle Dam and the California state line, based on the Wild and Scenic Rivers Act. The claim is for water to support recreation (boating and scenic enjoyment) and fisheries.

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[4] 43 USC §§ 218-219, 222, 291-302.

[5] Letter of April 17, 1926 from Hubert Work, Secretary of the interior to Calvin Cooledge.

[6] *United States v. City and County of Denver*, 656 P2d 1, 31 (Colo. 1982).

[7] *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Idaho 1998), *cert. den., Idaho v. United States*, 119 S Ct 1158 (1999); *cert. den., Hoagland v. United States*, 119 S Ct 1158 (1999).

The Wild and Scenic Rivers Act established the national policy that certain rivers:

> * * * which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and * * * protected for the benefit and enjoyment of present and future generations.[8]

In the Act, Congress expressly reserved water for the purposes of the Act.[9]

The BLM is entitled to a reserved right for the amount of water necessary to accomplish the purposes for which the river stretch is designated. This stretch of the Klamath was designated by the Secretary of the Interior on September 22, 1994, under section 2(a)(ii) of the Wild and Scenic Rivers Act of 1968.[10] The Secretary is authorized to designate a section of river upon the application of the Governor of a state if, among other things, the river possesses at least one "outstandingly remarkable" value of the types enumerated. The Governor of Oregon made such a request on April 22, 1993. The National Park Service evaluated the eligibility of the stretch in 1994 and found that the stretch contained seven classes of nationally or regionally significant resources. These resources included endangered species such as bald eagles and Lost River suckers, historic features, prehistoric sites, exceptional scenic beauty, outstanding fishing and whitewater boating opportunities, and Native American traditional use. Based on this report, the Secretary made his designation on September 22, 1994.

As the designation was based on the National Park Service recommendations, the purposes of the reservation include recreation (boating and scenic enjoyment) and fisheries. The BLM is entitled to the minimum amount of water necessary to preserve those uses with a priority date of September 22, 1994.

WNP:wnp:ros:bjw/GEN31545

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[8] 16 USC § 1271.

[9] 16 USC § 1284(c).

[10] Pub.L. 90-542, 82 Stat. 906 (Oct. 2, 1968), sect. 2(a), 16 USC § 1273.

KBA_APP_135739

KBA_APP_135740

KBA_APP_135741

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **325**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40310-1), tributary to an unnamed tributary of Keene Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 NE 1/4, Section 10, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **326**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **327**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **328**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40310-4), tributary to an unnamed tributary of the South Fork of Keene Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 SW 1/4, Section 10, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **329**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40326-1), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 NW 1/4, Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **330**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40326-2), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SW 1/4, Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **331**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40326-3), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is the NW 1/4 SW 1/4, Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **332**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40326-4), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is the NW 1/4 SW 1/4 of Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **333**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40326-5), tributary to an unnamed tributary to Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

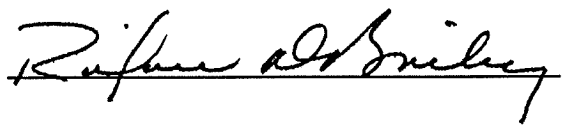
4. The claimed point of diversion and place of use location is NW 1/4 SW 1/4, Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **334**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40328-1), tributary to Camp Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is the SE 1/4 NW 1/4, Section 28, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **335**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 23, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40328-2), tributary to Camp Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is the NW 1/4 SW 1/4, Section 28, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **336**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **337**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40420-2), tributary to an unnamed tributary of Oregon Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 SE 1/4, Section 20, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **338**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40420-3), tributary to an unnamed tributary of Oregon Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SE 1/4, Section 20, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **339**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40420-4), tributary to an unnamed tributary of Oregon Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SE 1/4, Section 20, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **340**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40430-1), tributary to Oregon Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

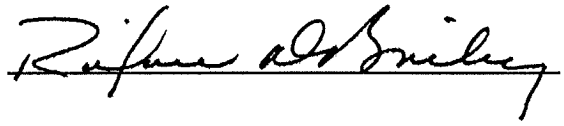
4. The claimed point of diversion and place of use location is NE 1/4 NE 1/4, Section 30, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **341**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **342**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **343**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40432-3), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 SW 1/4, Section 32, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **344**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#40432-4), tributary to an unnamed tributary of Jenny Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SE 1/4 , Section 32, Township 40 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **345**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **346**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41202-2), tributary to Scotch Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 NE 1/4, Section 2, Township 41 South, Range 2 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **347**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41210-1), tributary to an unnamed tributary of Hutton Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SW 1/4, Section 10, Township 41 South, Range 2 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **348**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41210-2), tributary to Hutton Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SE 1/4, Section 10, Township 41 South, Range 2 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **349**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41302-1), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 NE 1/4, Section 2, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **350**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41306-1), tributary to an unnamed tributary of Scotch Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SE 1/4, Section 6, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **351**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41310-1), tributary to Salt Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 SE 1/4, Section 10, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **352**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41312-1), tributary to an unnamed tributary of Rocky Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 NW 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **353**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41312-2), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 NE 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **354**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41312-3), tributary to an unnamed tributary of Rocky Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SE 1/4, Section 12, Township 41 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **355**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41312-4), tributary to Rocky Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 SE 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **356**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **357**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **358**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 26, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from an unnamed spring (#41404-2), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SW 1/4, Section 4, Township 41 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **359**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **360**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **361**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **362**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 0.3125 gallons per minute from an unnamed spring (#41408-2), tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is se 1/4 sw 1/4, Section 8, Township 41 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **363**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 1.25 gallons per minute from an unnamed spring (#414120-1), tributary to an unnamed tributary of Jenny Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SW 1/4, Section 12, Township 41 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **364**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 1.25 gallons per minute from an unnamed spring (#41412-2), tributary to an unnamed tributary of Beaver Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 SW 1/4, Section 12, Township 41 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **365**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Bench Detention, tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 SW 1/4, Section 26, Township 40 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **366**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Big Powerline, tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 NE 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **367**

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

FINDINGS OF FACT

1. The claim was filed on April 30, 1997.

2. The claim was withdrawn on August 5, 1999.

CONCLUSION

3. The claim is of no further force or effect.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **368**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Keene Creek Ridge, tributary to an unnamed tributary of Jenny Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SE 1/4 SE 1/4, Section 32, Township 49 South, Range 4 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **369**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Oak Grove, tributary to an unnamed tributary of Hutton Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 NW 1/4, Section 10, Township 41 South, Range 2 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **370**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Oak Stump, tributary to an unnamed tributary of Skookum Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 NE 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **371**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
3040 Biddle Road
Medford OR 97504

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 3.792 gallons per minute from Picket Gulch, tributary to an unnamed tributary of Rocky Gulch, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 SW 1/4, Section 12, Township 41 South, Range 3 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **372**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
2795 Anderson Avenue, Building 25
Klamath Falls OR 97603

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 0.47 gallons per minute from Merkley Spring, tributary to an unnamed tributary of Fishhole Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 SW 1/4, Section 4, Township 37 South, Range 14 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **373**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
2795 Anderson Avenue, Building 25
Klamath Falls OR 97603

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 0.66 gallons per minute from Hayden Spring, tributary to Klamath River, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NW 1/4 NW 1/4, Section 13, Township 41 South, Range 5 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **374**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
2795 Anderson Avenue, Building 25
Klamath Falls OR 97603

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 1.56 gallons per minute from Stiles Spring, tributary to an unnamed tributary of Swan Lake, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is SW 1/4 NE 1/4, Section 14, Township 37 South, Range 10 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **375**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
2795 Anderson Avenue, Building 25
Klamath Falls OR 97603

Original Claimant(s):

United States of America,
Bureau of Land Management

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for 0.42 gallons per minute from Yainax Spring, tributary to unnamed tributary to East Branch Whiskey Creek, for "human and animal consumption."

2. The claim is based on the Public Water Reserve No. 107 (Executive Order of April 17, 1926).

3. The claimed period of use is May 15 through October 15 of each year.

4. The claimed point of diversion and place of use location is NE 1/4 SW 1/4, Section 26, Township 37 South, Range 12 East, W.M.

5. The claimed priority date is April 17, 1926.

CONCLUSION

6. The BLM is entitled under Public Water Reserve No. 107 to reserved water from public springs and water holes for the purposes of human and animal consumption in the amount necessary to prevent monopolization of the water resources. *United States v City and County of Denver*, 656 P2d 1, 31 (Colo 1982); *In the Matter of SRBA - Basin Wide Issue #9*, 959 P2d 449 (Id 1998). The claim is approved.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **376**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America,
Bureau of Land Management
PO Box 2965
Portland, OR 97208

Original Claimant(s):

United States of America,
Bureau of Land Management

The general location of the claimed use is Township South, Range East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

CLAIM INFORMATION / FINDINGS OF FACT

1. The BLM makes two claims for federal reserved rights to instream flows in the Klamath River in the reach from river mile 220.4 to river mile 209.3.

2. The first claim is for 1500 cubic feet per second year-round for recreation, boating and scenic enjoyment.

3. The second claim is for 550 cubic feet per second year-round for fish life and fish habitat.

4. The claimed amounts for these two purposes are not additive.

5. The claim is based on the Federal Wild and Scenic Rivers Act, Public Law 90-542 (October 2, 1968), 16 U.S.C. Sections 1271 *et. seq.* and amendments thereto; Public Law 99-590 (October 30, 1986); Public Law 100-667 (October 28, 1988); and Notice of the Office of the Secretary, Department of the Interior (September 22, 1994), published in the Federal Register of October 18, 1995 (page 52801).

6. The claimed priority date is September 22, 1994, the date the subject reach of the Klamath River was designated as a component of the National Wild and Scenic Rivers System.

CONCLUSION

7. As of the date of this determination, the record lacks any documentation supporting the quantity of flow requested for recreational, boating and scenic purposes. The claimant has failed to provide evidence demonstrating the connection between the specific flows requested and the purposes of the reservation, and has failed to demonstrate that the amount requested is the minimum amount necessary to preserve those uses. The claimant has further failed to provide evidence that would permit a determination that without the amount of flow requested, the purposes of the reservation would be entirely defeated.

8. The portion of this claim for 1500 cfs for recreational, boating and scenic flows is denied.

9. The requested fisheries flows were determined by the U.S. Fish and Wildlife Service Oregon and the Department of Wildlife using the Instream Flow Incremental Methodology (IFIM) and the Physical Habitat Simulation System (PHABSIM) module of the IFIM model. The requested flows are for protection of the rainbow trout fishery at all life stages. The evidence in the record supports these flows as necessary for the purposes of the reservation.

10. The portion of this claim for 550 cfs for fish life and fisheries habitat flows is granted.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135794

KBA_APP_135795

NATIONAL PARKS SERVICE

KBA_APP_135796

creating the Park, and creating the NPS: a) Executive Order of February 1, 1886;[1] b) Act of May 22, 1902, ch. 820, 32 Stat. 202 (1902); c) the Act of Aug. 25, 1916, ch. 408, 39 Stat. 535 (1916); d) Act of May 14, 1932, ch. 184, 47 Stat. 155 (1932); e) Act of Dec. 19, 1980, Pub. L. No. 96-553, 94 Stat. 3255 (1980); and f) Act of Sept. 8, 1982, Pub. L. No. 97-250, 96 Stat. 709 (1982).[2] While the NPS relies upon the Act of 1916 (establishing the NPS) and the Act of 1982 (correcting the boundary of the Park) in stating the purposes of the reservation, the NPS does not appear to rely upon those statutes for claimed priority dates.

Two other documents are involved in the creation of the reservation: acquisitions of private land on December 5, 1940 and January 30, 1942. While the NPS relies upon the 1940 acquisition to establish a priority date,[3] the NPS does not appear to rely upon the land acquisition documents for the primary purposes of the reservation.[4]

II. Federal Reserved Water Rights Generally

When the United States reserves land for particular purposes, it implicitly reserves sufficient water to accomplish those purposes.[5] The reservation is for "only that amount of water necessary to fulfill the purpose of the reservation, no more."[6] In addition, water is reserved only to meet the "primary" purpose of the reservation, not "secondary" purposes.[7] Evaluation of a claim based on an implied reservation of water requires examination of the specific purposes for which the land was reserved, and a determination that "without the water the purposes of the reservation would be entirely defeated."[8] The primary purposes of a federal reservation are determined by examining the legislation or executive order that established the reservation.

III. Reservations - Priority Dates

In support of its claimed priority dates the NPS relies upon the date of the Executive Order withdrawing land for the Park, the dates of enactment of the various statutes establishing or altering the boundaries of the Park, and the date of one of the acquisitions of private land.

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[1] This "Executive Order" is a one-page hand-written document with no apparent citation.

[2] *See, e.g.*, Statement and Proof of Claim to the Use of Surface Waters of the Klamath River and Its Tributaries (Claimant: United States of America, National Park Service), Claim #591 at 2 (*hereinafter* Claim #591).

[3] *See, e.g.*, claim to "Mainstem of Sun Creek," List of Priority Dates for Crater Lake and All Stream Reaches (Exhibit App.-7), at 8.

[4] *See, e.g.*, Claim #591, paragraph 7.

[5] *Winters v. United States*, 207 US 564, 577 (1908).

[6] *Cappaert v. United States*, 426 US 128, 141 (1976).

[7] *United States v. New Mexico*, 438 US 696, 715 (1978).

[8] *Id.* at 700.

A. The Executive Order

The NPS relies on an 1886 Executive Order to establish reserved right priority dates. A reserved water right may be implied by a withdrawal of land by Executive Order. For instance, in *Arizona v. California*, 373 U.S. 546, 598 (1962), the United States Supreme Court recognized priority dates based on executive orders withdrawing lands as an Indian reservation. Here, however, the 1886 Executive Order did not create a reservation or articulate purposes to which a reserved water right might attach. The Executive Order merely withdrew the lands from settlement or sale "pending legislation looking to the creation of a public park * * *." It did not reserve the land as a national park, or for any other purpose. No purposes for the land were articulated until the Park's enabling legislation was passed in 1902. The Executive Order did not establish a federal reservation. Therefore, 1886 is not an appropriate priority date for the Park.

B. Statutes Creating the Park

A reserved water right may be created by an Act of Congress reserving public land for a particular purpose.[9] The NPS relies, in part, upon the Acts of 1902, 1932, and 1980 in establishing priority dates to the various claims, depending upon when the particular reach became a part of the Park. The Act of 1902 established Crater Lake National Park. The Act of 1932 added certain lands to the Park. The Act of 1980 revised the boundary of the Park. Any land added to the Park by any of these statutes carries an implied reserved right with the priority date of enactment of the statute.

C. Land Acquisitions

The NPS claims "1940" as one priority date pertinent to the mainstem of Sun Creek, reflecting the date of acquisition from private ownership. We believe a 1940 priority date for Park purposes is appropriate.[10]

IV. Primary Purposes

The NPS has made eleven instream reserved rights claims, ten of which are for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery, and one of which is for preservation and protection of Crater Lake, including all of its natural and historic objects, wildlife, and conservation of scenery. The NPS has also made ten consumptive use claims, all of which encompass two stated purposes: "Domestic, Administrative, Wildlife," and "Fire Protection." Generally, the NPS claims all of the unappropriated water in the Park, in that the in-stream claims are to "all natural flows less those amounts needed for * * * out-of-stream uses."

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[9] *New Mexico*, 438 US at 700.

[10] The United States Supreme Court cases establishing federal reserved rights have described such rights as arising when the federal government reserves land "from the public domain." *See, e.g., New Mexico* at 698; *Cappaert*, 426 US at 138. From that it could be argued that no reserved rights attach to acquisitions from private ownership. The Ninth Circuit, however, has held that acquisitions from private ownership do carry reserved water rights. *United States v. Anderson*, 736 F2d 1358, 1361-1362 (9th Cir. 1984).

In 1902, Congress established the Crater Lake National Park "as a public park or pleasure ground for the benefit of the people of the United States [and] for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, * * * and the prevention and extinguishment of forest fires."[11] Congress clarified and confirmed its intent in the act creating the National Park Service in 1916. In that act Congress stated that the purposes of national parks were "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave then unimpaired for the enjoyment of future generations."[12] Those acts establish Congress's intent to set aside land for park purposes.

These purposes include preservation of scenic, natural and historic conservation uses and preservation of wildlife. Preservation of scenic, natural and historic conservation uses includes ecosystem maintenance protecting forest growth, vegetative cover, watershed protection, soil and erosion control, lawn watering and fire protection. Also included would be maintenance of water related aesthetic conditions as well as maintenance of natural features. Preservation and conservation of wildlife would include bird watering, wildlife habitat maintenance, and preservation of habitat for fish and other aquatic life. The Water Resources Department (WRD) should recognize the minimum amount necessary to fulfill these park purposes. WRD could conclude that an award of the entire natural flow would be necessary to achieve this purpose.[13]

In addition, the park also has public enjoyment purposes including a) visitor accommodations (campgrounds, hotels, water and sewer); b) visitor centers (water fountains and sewer); c) facilities for visitor enjoyment (trail maintenance, lake levels for water borne enjoyment); and d) ranger stations and housing for park personnel.

The Act of May 14, 1932, ch. 184, 47 Stat. 155 (1932), transfers certain land from the Crater Lake National Forest to the Crater Lake National Park. This Act does not articulate any new purposes of the Park.[14] The lands affected would have the same primary purposes as under the 1902 act, but with 1932 priority. Similarly, lands covered by the 1940 acquisition and the Act of 1980 would have priority as of those dates.

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[11] Act of May 22, 1902, ch. 820, §§ 1-2, 32 Stat. 202 (1902).

[12] Act of Aug. 25, 1916, ch. 408, § 1, 39 Stat. 535 91916).

[13] Based on Congress's stated intent to leave the park "unimpaired for the enjoyment of future generations", the Colorado water court stated "it appears that Congress * * * intended to reserve *all of the unappropriated water in the park* for park purposes. * * * The fact that the entire flow is needed is sufficient quantification of the right." *Concerning the Application for Water Rights of the United States of America for Reserved Water Rights in Rocky Mountain National Park*, No. W-8439-76, at 8-9 (Colo. Dist. Ct. Water Div. 1, Dec. 29, 1993) (memorandum of decision and order) (emphasis added).

V. Conclusions

When Congress designated Crater Lake National Park it reserved sufficient water for Park purposes, which include domestic and administrative uses, fire protection, preservation of the Park's scenic, natural and historic conservation uses, and preservation of wildlife, with a priority date of 1902. Later additions to the Park reserved water for all Park purposes as of the date of the later acquisitions.

MRR:mrr:ejt/GEN27708

KBA_APP_135801

KBA_APP_135803

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **591**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 591 was filed on April 30, 1997.

3. The source of water claimed is Annie Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and May 14, 1932, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 14, 1932.

6. The claimed places of use are the main stem of Annie Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the mainstream of Annie Creek beginning at the headwaters of Annie Creek at Annie Springs, near river mile 16, and ending at the point where Annie Creek exits Crater Lake national Park, at approximately river mile 6;

A reach on "Annie-1", an unnamed tributary of Annie Creek, beginning at the headwaters of Annie-1 at approximately 0.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 10.6 on Annie Creek;

A reach on the East Fork of Annie Creek, beginning at the headwaters of the East Fork at approximately 4.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 12 on Annie Creek;

A reach on "Annie-2", an unnamed tributary to the East Fork of Annie Creek, beginning at the headwaters of Annie-2 at approximately 1.0 river miles above its confluence with the East Fork of Annie Creek, and ending at its confluence with the East Fork Annie Creek at approximately 2 river miles above the East Fork confluence with Annie Creek;

A reach on "Annie-3", an unnamed tributary of to the East Fork of Annie Creek, beginning at the headwaters of Annie-3 at approximately 1.8 river miles above its confluence with the East Fork of Annie Creek, and ending at its confluence with the East Fork Annie Creek at approximately 2.2 river miles above the East Fork confluence with Annie Creek;

A reach on "Annie-4", an unnamed tributary of Annie Creek, beginning at the headwaters of Annie-4 at approximately 3.2 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 12 on Annie Creek;

A reach on the Middle Fork of Annie Creek, beginning at the headwaters of the Middle Fork at approximately 2.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 13 on Annie Creek;

A reach on "Annie-5", an unnamed tributary of the Middle Fork of Annie Creek, beginning at the headwaters of Annie-5 at approximately 0.5 river miles above its confluence with the Middle Fork of Annie Creek, and ending at its confluence with the Middle Fork Annie Creek at approximately 1.5 river miles above the Middle Fork confluence with Annie Creek;

A reach on Pole Bridge Creek, beginning at the headwaters of Pole Bridge Creek at approximately 1.8 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

A reach on Munson Creek, beginning at the headwaters of Munson Creek at Munson Springs, approximately 3.8 river miles above the confluence of Munson Creek with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

A reach on "Annie-6", an unnamed tributary to Munson Creek, beginning at the headwaters of Annie-6 at unnamed springs, approximately 0.8 river miles above the confluence of Annie-6 with Munson Creek, and ending at its confluence with Munson Creek at approximately 2.1 river miles above the confluence of Munson Creek with on Annie Creek;

A reach on Goodbye Creek, beginning at the headwaters of Goodbye Creek at approximately 1.3 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

A reach on "Annie-7", an unnamed tributary to Goodbye Creek, beginning at the headwaters of Annie-7 at approximately 1.2 river miles above the confluence with Goodbye Creek, and ending at its confluence with Goodbye Creek at approximately 0.1 river miles above the confluence of Goodbye Creek with on Annie Creek.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

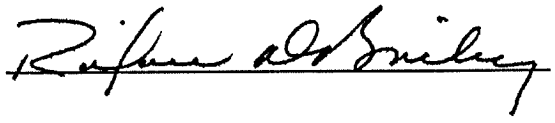
8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of the 1932 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Act of May 14, 1932 (47 Stat. 155).*

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 591 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **592**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 592 was filed on April 30, 1997.

3. The source of water claimed is Bear Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.

6. The claimed places of use are the mainstream of Bear Creek beginning at the headwaters of Bear Creek near river mile 4.2, and ending at the point where Bear Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 592 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **593**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 593 was filed on April 30, 1997.

3. The source of water claimed is Crater Lake within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural lake levels in Crater Lake.

5. The claimed priority dates are February 1, 1886 and May 22, 1902.

6. The claimed place of use is Crater Lake, situated within a rectangle with a northwest corner at 43° 00'00" N latitude and 122° 12'30" W longitude, a northeast corner at 43° 00'00" N latitude and 122° 00'00" W longitude, a southeast corner at 42°52'30" N latitude and 122° 00'00" W longitude, and a southwest corner at 42°52'30" N latitude and 122° 12'30" W longitude.

7. The claimed use is for preservation and protection of Crater Lake, including all of its natural and historic objects, wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 593 is APPROVED with a priority date of 1902.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **594**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 594 was filed on April 30, 1997.

3. The source of water claimed is Desert Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.

6. The claimed places of use are the mainstream of Desert Creek beginning at the headwaters of Desert Creek at approximately river mile 1.5, and ending at the point where Desert Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 594 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **595**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 595 was filed on April 30, 1997.

3. The source of water claimed is Pothole Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority date is December 19, 1980 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.

6. The claimed places of use are the mainstream of Pothole Creek beginning at the headwaters of Pothole Creek at Pothole Spring, approximately river mile 1.2, and ending at the point where Pothole Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

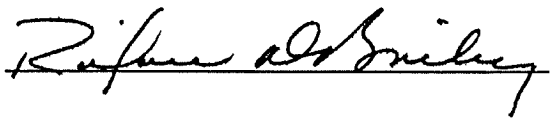
8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 595 is APPROVED with a priority date of 1980 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of December 19, 1980.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **596**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 596 was filed on April 30, 1997.

3. The source of water claimed is Sand Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.

6. The claimed places of use are the main stem of Sand Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

   A reach on the mainstream of Sand Creek beginning at the headwaters of Sand Creek at approximately river mile 8.7, and ending at the point where Sand Creek exits Crater Lake national Park, defined as river mile 0;

   A reach on the Cavern Creek, beginning at the headwaters of Cavern Creek approximately 5.05 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 1 on Sand Creek;

   A reach on "Sand-1", an unnamed tributary of Cavern Creek, beginning at the point where Sand-1 enters the park at approximately 0.7 river miles above its confluence with Cavern Creek, and ending at its confluence with Cavern Creek at approximately 1.5 river miles above the confluence of Cavern Creek with Sand Creek;

   A reach on Wheeler Creek, beginning at the headwaters of Wheeler Creek approximately 6.2 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 1.5 on Sand Creek;

   A reach on Lost Creek, beginning at the headwaters of Lost Creek approximately 0.8 river miles above its confluence with Wheeler Creek, and ending at its confluence with Wheeler Creek at approximately 2.8 river miles above the confluence of Wheeler Creek with Sand Creek;

   A reach on "Sand-2", an unnamed tributary of Sand Creek, beginning at the headwaters of Sand-2 at approximately 2.4 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 4.5 on Sand Creek;

   A reach on "Sand-3", an unnamed tributary of Sand Creek, beginning at the headwaters of Sand-3 at approximately 0.7 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 7 on Sand Creek.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

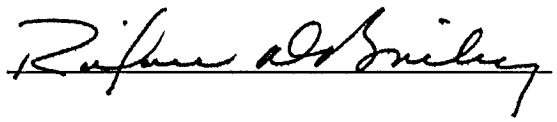
8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 596 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **597**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 597 was filed on April 30, 1997.

3. The source of water claimed is Scott Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority date is May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.

6. The claimed places of use are the mainstream of Scott Creek beginning at the headwaters of Scott Creek at approximately river mile 0.6, and ending at the point where Scott Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 597 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of May 22, 1902, and with a priority date of December 19, 1980 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of December 19, 1980.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **598**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 598 was filed on April 30, 1997.

3. The source of water claimed is Silent Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886, and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.

6. The claimed places of use are the mainstream of Silent Creek beginning at the headwaters of Silent Creek at approximately river mile 2.2 and ending at the point where Silent Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

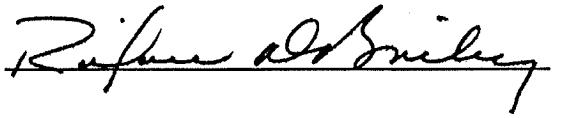
8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 598 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **599**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 599 was filed on April 30, 1997.

3. The source of water claimed is Sun Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 5, 1940, for any stream reach(es) or segment of any stream reach(es) on lands acquired on December 5, 1940.

6. The claimed places of use are the main stem of Sun Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

   A reach on the main stem of Sun Creek, beginning at the headwaters of Sun Creek at approximately river mile 8.6, and ending at the point where it exists Crater Lake National Park, defined as river mile 0.

   A reach on Vidae Creek, tributary to Sun Creek, beginning at the headwaters of Vidae Creek at approximately 0.7 river miles above its confluence with Sun Creek, and ending at its confluence with Sun Creek at approximately river mile 7 on Sun Creek.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 599 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of

February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **600**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 600 was filed on April 30, 1997.

3. The source of water claimed is Unnamed Creek (near Annie Creek) and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886, and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.

6. The claimed places of use are the main stem of Unnamed Creek (near Annie Creek) within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

   A reach on the mainstream of Unnamed Creek (near Annie Creek) beginning at the headwaters of Unnamed Creek (near Annie Creek) at approximately river mile 3.1, and ending at the point where Unnamed Creek (near Annie Creek) exits Crater Lake national Park, defined as river mile 0 .

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 600 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **601**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 601 was filed on April 30, 1997.

3. The source of water claimed is Unnamed Creek (in the northeast corner of the Park) within the boundary of Crater Lake National Park.

4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority date is December 18, 1980.

6. The claimed places of use are the main stem of Unnamed Creek (in the northeast corner of the Park) within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

   A reach on the mainstream of Unnamed Creek (in the northeast corner of the Park) beginning at the headwaters of Unnamed Creek at approximately river mile 2.2, and ending at the point where Unnamed Creek exits Crater Lake national Park, defined as river mile 0.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*

9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.

10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 601 is APPROVED with a priority date of December 19, 1980.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **602**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 602 was filed on April 30, 1997.

3. The source of water claimed is Annie Creek and its tributaries within the boundary of Crater Lake National Park.

4.. The quantity of water claimed is 0.34 cfs, or 63.2 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs, or 535,000 gallons of storage with continual refill, for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, May 22, 1902, and May 14, 1932.

7. The claimed places of use are:

For existing uses:
SE 1/4 SE 1/4 Section 13, T31S, R5E, W.M.
South ½ Section 5, T31S, R6E, W.M.
NW 1/4 NE 1/4 Section 8, T31S, R6E, W.M.
SE 1/4 Section 8, T31S, R6E, W.M.
SW 1/4 SW 1/4 Section 9, T31S, R6E, W.M.
NE 1/4 Section 17, T31S, R6E, W.M.
SW 1/4 Section 19, T31S, R6E, W.M.
North ½ Section 30, T31S, R6E, W.M.

For future uses: anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin.

8. The claimed points of diversion are:

For existing uses, within the NE 1/4 SE 1/4 of Section 13, T31S, R5E, W.M., as projected within the 1988 USGS quadrangle map "Crater Lake National Park and Vicinity."

For future uses, any points along Annie Creek or its tributaries within Crater Lake National Park.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

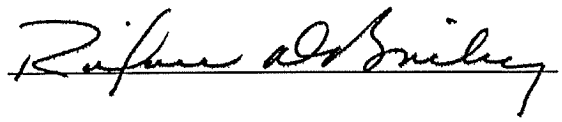
10. The 1916 Act creating the National Park Service clarified that purposes under the 1902 Act include recreation, scenic, wildlife protection and administrative and domestic uses needed for associated park facilities, but made no additional reservation of water, express or implied. *Act of August 25, 1916 (39 Stat. 535)*

11. Lands added to the Crater Lake National Park as a result of the 1932 and 1980 Acts and the December 5, 1940 acquisition from C.C. Yawkey, *et. al.*, have implied reservations of water for the same purposes as the 1902 Act lands but with the later respective priority dates. *Act of May 14, 1932 (47 Stat. 155); Act of December 18, 1980 (94 Stat. 3255),* Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940.

12. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

13. Claim 602 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **603**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 603 was filed on April 30, 1997.

3. The source of water claimed is Bear Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 19, 1980.

7. The claimed places of use are "anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Bear Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters at approximately river mile 4.2 and ending at the point where Bear Creek exits Crater Lake National Park.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255).*

11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 603 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **604**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 604 was filed on April 30, 1997.

3. The source of water claimed is Desert Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, and May 22, 1902.

7. The claimed places of use are "anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Desert Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters at approximately river mile 1.5 and ending at the point where Desert Creek exits Crater Lake National Park, defined as river mile 0.

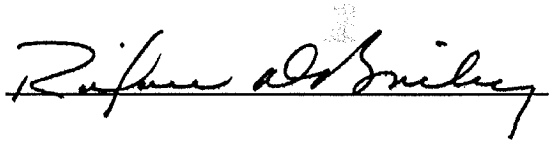
CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 604 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **605**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 603 was filed on April 30, 1997.

3. The source of water claimed is Pothole Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority date is December 19, 1980.

7. The claimed places of use are "anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Pothole Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters (Pothole Spring) at approximately river mile 1.2 and ending at the point where Pothole Creek exits Crater Lake National Park, defined as river mile 0.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. Lands added to the Crater Lake National Park as a result of the 1980 Act have implied reservations of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255).*

11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes those uses. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 605 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **606**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 606 was filed on April 30, 1997.

3. The source of water claimed is Sand Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.06 cfs, or 0.95 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 18, 1980.

7. The claimed places of use are the Lost Creek Campground and "anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are within the NE 1/4 SW 1/4 Section 18, Township 31 South, Range 7.5 East, W.M., and any points along Sand Creek or its tributaries within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary, further described as within reaches beginning at the headwaters of Sand Creek and its tributaries and ending at the point where Sand Creek exits Crater Lake National Park or where its tributaries are in confluence with Sand Creek or its tributaries.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255).*

11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 606 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **607**
Klamath Basin General Stream Adjudication *NPS* claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 607 was filed on April 30, 1997.

3. The source of water claimed is Scott Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are May 22, 1902, and December 19, 1980.

7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Scott Creek within the current Park boundary, from its headwaters at approximately 0.6 river miles to the point where it exits Crater Lake National Park, within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later respective priority date. *Act of December 18, 1980 (94 Stat. 3255).*

11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 607 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **608**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 608 was filed on April 30, 1997.

3. The source of water claimed is Silent Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, and May 22, 1902.

7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Silent Creek within the current Park boundary, from its headwaters at approximately river mile 2.2 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

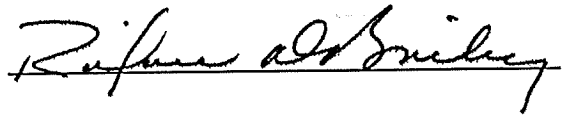
CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 608 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **609**
Klamath Basin General Stream Adjudication *NPS* claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

    a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

    b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 609 was filed on April 30, 1997.

3. The source of water claimed is Sun Creek and its tributary Vidae Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 5, 1940.

7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along Sun Creek within the current Park boundary, from its headwaters at approximately river mile 8.6 mile to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

9. The claimed points of diversion are any points along Vidae Creek within the current Park boundary, from its headwaters at approximately river mile 0.7 to its confluence with Sun Creek, near river mile 7 on Sun Creek, within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

10. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

11. Lands added to the Crater Lake National Park as a result of the December 5, 1940 acquisition from C.C. Yawkey, *et. al.*, have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Acquisition of land from C.C. Yawkey, et. al. December 5, 1940.*

12. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

13. Claim 609 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **610**
Klamath Basin General Stream Adjudication *NPS* claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 610 was filed on April 30, 1997.

3. The source of water claimed is an unnamed creek near Annie Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority dates are February 1, 1886 and May 22, 1902.

7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along the unnamed creek near Annie Creek within the current Park boundary, from its headwaters at approximately river mile 3.1 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

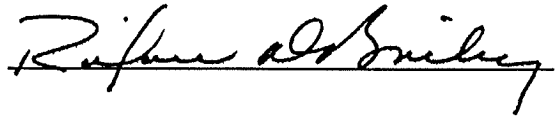
CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 610 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims Claim No. **611**
Klamath Basin General Stream Adjudication *NPS* claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:

   a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and

   b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.)*.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 611 was filed on April 30, 1997.

3. The source of water claimed is an unnamed creek in the northeast corner of the Park, within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.

6. The claimed priority date is December 19, 1980.

7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.

8. The claimed points of diversion are any points along the unnamed creek within the current Park boundary, from its headwaters at approximately river mile 2.2 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*

10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Act of December 18, 1980 (94 Stat. 3255).*

11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 611 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135859

U.S. FISH & WILDLIFE SVC.

KBA_APP_135860

I. Federal Reserved Water Rights Generally

When the United States reserves land for particular purposes, it implicitly reserves sufficient water to accomplish those purposes.[3] The reservation is for "only that amount of water necessary to fulfill the purposes of the reservation, no more."[4] In addition, water is reserved only to meet the "primary" purpose of the reservation, not "secondary" purposes.[5] Evaluation of a claim based on an implied reservation of water requires examination of the specific purposes for which the land was reserved, and a determination that "without the water the purposes of the reservation would be entirely defeated."[6] The primary purposes of a federal reservation are determined by examining the legislation or executive order that established the reservation. The priority date of a reserved right is the date of the creation of the reservation or the date the land in question was made part of the reservation, whichever is later.[7]

II. Klamath Marsh National Wildlife Refuge

The FWS makes eight claims to water rights for the Klamath Marsh NWR. One claim is for a federal reserved right for "wildlife refuge" purposes. Seven claims are for *Walton* allotment successor rights for "irrigation" purposes. All uses are "out-of-stream."

A. The federal reserved right.

1. The priority date

The FWS claims a priority date of "July 23, 1985 (Parties to U.S. v. Adair); Sept. 7, 1960 (non-parties to U.S. v. Adair)."[8] As qualified below, that priority date is correct. The Klamath Tribe was terminated by Public Law 587 (68 Stat. 718), August 13, 1954. That law was amended by Public Law 85-731 (72 Stat. 816), August 23, 1958, which added section 28(f) designating certain lands as the "Klamath Forest National Wildlife Refuge," effective April 1, 1961. Public Law 85-731 was subsequently amended by Public Law 86-247 (73 Stat. 477), September 9, 1959:

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[3] *Winters v. United States*, 207 US 564 (1908).

[4] *Cappaert v. United States*, 426 US 128, 141 (1976).

[5] *United States v. New Mexico*, 438 US 696 (1978).

[6] *New Mexico*, 438 US at 700.

[7] For every claim we assume that the FWS has provided, on the claim form, priority dates that correspond with the date of the creation of the reservation or the date of any later acquisition. If your review of individual files indicates that is not the case, the date of acquisition should be substituted for the date claimed.

[8] Claim #97-300 at 2.

> by changing the effective date for the taking of title by the United States from April 1, 1961, to the earliest date after September 30, 1959, when the Secretary of the Interior determines that funds * * * are available from the sale of stamps under the [Stamp Act]. [9]

The Secretary of the Interior so determined on September 7, 1960, stating that:

> The effective date * * * for the taking of title thereto by the United States * * * is this 7th day of September 1960.[10]

Thus, the date of creation of the federal reservation, and therefore the priority date of the claimed reserved water right, is September 7, 1960 for land that was made part of the reservation on that date.[11]

The Stipulation of October 16, 1986, however, ordered:

> 2. The priority date of the water right for the Refuge is July 23, 1985.
>
> 3. The water right declared by this supplemental judgment pertains to all Klamath Marsh lands now within the Refuge, which has a land area of 16,377 acres.
>
> 4. The provisions of this supplemental judgment shall apply to and be binding upon the defendants who are * * * signatory hereto.
>
> 5. As to all persons who are not parties to this action and the judgments entered herein, the Government retains the right to claim a federal reserved water right for the Refuge with a priority date of September 7, 1960.[12]

Pursuant to the stipulation, the FWS's claimed priority date for the reserved right of "July 23, 1985 (Parties to U.S. v. Adair)" is correct.

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[9] 73 Stat. 477.

[10] Notice, Department of the Interior, F.R. 8833, Sept. 14, 1960 (F.R. Doc. 60-8517). Note that this is the "Executive Order" referred to by the FWS.

[11] Our cursory review of the complete file for Claim #97-300 indicates that the FWS may have claimed the September 7, 1960 priority date for land that was acquired after that date. *See, e.g.* Claim #97-300 at 22-23. If that is the case, the priority date for that land would be the date of acquisition, not the September 7, 1960 date. *See* note 7.

[12] *United States v. Adair*, U.S. District Court for the District of Oregon, Civ. No. 75-914-SO (October 16, 1986) (supplemental declaratory judgment and stipulation of consent) at 2-3.

2. The Purposes

The "wildlife purposes" claimed by the FWS may be gleaned from the documents that authorized and created the reservation. Public Law 85-731 declared that "Such lands are designated as the Klamath Forest National Wildlife Refuge, which shall be administered in accordance with the law applicable to areas acquired pursuant to (the Stamp Act)."[13] The "Executive Order" of September 7, 1960 similarly directed that that the Refuge be administered "in accordance with the law applicable to areas acquired with funds from the sale of stamps under the (Stamp Act)."[14] The Stamp Act authorized expenditures:

> for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate *migratory-bird sanctuaries* * * * [and] for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges *and for the protection and increase of these birds.*[15]

The FWS also relies upon the Refuge Recreation Act (RRA) in articulating the "purposes of the reservation." This reliance is misplaced. Reserved rights may be reserved only to meet the "primary" purpose of the reservation, not "secondary" purposes.[16] The RRA articulates a "compatibility standard," such that the Secretary of the Interior may allow "incidental or secondary" recreational uses of the refuges only where such uses are not "inconsistent with" the "primary purposes for which the said conservation areas were acquired or established."[17] Thus, the RRA does not establish any "primary purpose" which may imply a reserved water right.

We conclude that the primary purpose of the Klamath Marsh National Wildlife Refuge, as established by the Stamp Act, is the conservation of migratory birds. We also conclude that some amount of water is necessary to meet the purpose of the reservation,[18] but that the FWS is entitled only to the amount of water without which the purposes of the reservation would be defeated.

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[13] 72 Stat. 818.

[14] F.R. 8833, Sept. 14, 1960.

[15] 48 Stat. 451, 452, sec. 4(a).

[16] *United States v. New Mexico*, 438 US 696 (1978).

[17] 16 USC § 460k

[18] A district court in Idaho has concluded that FWS is not entitled to a water right for the Deer Flat National Wildlife refuge, which was established "as a refuge and breeding ground for migratory birds and other wildlife." *See In Re SRBA*, Deer Flat Wildlife Refuge Claims, Consolidated Subcase No. 02-10063 (Idaho Dist. Ct. Dec. 31, 1998)(memorandum decision granting State of Idaho's motion for summary judgment). The opinions of the courts of Idaho are not binding in Oregon. We are not persuaded by the reasoning of that court on this issue.

B. *Walton* Rights

The FWS claims seven *Walton* rights within the Klamath Marsh NWR, all with a priority date of October 14, 1864, the date of the Treaty creating the Klamath Indian Reservation (16 Stat. 707). The purpose of these water rights is "irrigation" during the "irrigation season," and the Treaty is the only document relied on to establish the purpose.

When tribal land is converted to allotments, the Indian allottees succeed to the tribe's treaty irrigation right in proportion to the number of irrigable acres on the allotment. The nature and extent of the water rights obtained by non-Indian successors to these allotments was addressed in *Colville Confederated Tribes v. Walton*, 647 F2d 42 (9th Cir. 1981). The court explained:

> The non-Indian successor acquires a right to water *being appropriated by the Indian at the time title passes*. The non-Indian also acquires a right, with a *date-of-reservation priority date*, to water that he or she appropriates with *reasonable diligence* after the passage of title. If the full measure of the Indian's reserved water right is not acquired by this means and maintained by continued use, it is lost to the non-Indian successor.[19]

The Ninth Circuit specifically addressed the federal government's *Walton* rights within the Klamath Marsh NWR in *United States v. Adair*, 723 F2d 1394 (1983), holding that "the Government is entitled to claim rights as successor to Indian allottees."[20] However, the court went on to hold that these *Walton* rights (with the 1864 priority date) were distinct from any "reserved right" the government may have to fulfill the purposes of the NWR (which would have the much later priority date of reservation).[21]

Thus, while the FWS may properly claim the seven *Walton* rights with the 1864 priority dates, it is important to bear in mind that these rights are for "irrigation" and not for "wildlife refuge" purposes. Any additional water that is required for "wildlife refuge" purposes will have the later priority dates, discussed above. The *Walton* rights may be recognized if the FWS demonstrated that the rights were either developed while in Indian hands or diligently developed after passing into the hands of a non-Indian.

III. Upper Klamath National Wildlife Refuge

The FWS makes four claims to federal reserved water rights in the Upper Klamath NWR. All four claims are for "wildlife refuge" purposes, and are out-of-stream. The priority dates of the claimed rights are the dates of creation or expansion of the Refuge. Although one expansion

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[19] *Colville Confederated Tribes v. Walton*, 647 F2d at 51 (9th Cir. 1981) (emphasis added).

[20] *United States v. Adair*, 723 F2d 1394, 1418 (9th Cir. 1983).

[21] *Id.* at 1419.

was made by Public Law 88-567, the other two expansions came from land acquisitions from private individuals.[22] Following a discussion of the "purposes" for all four reserved water rights, we address each claim individually.

A. The Purposes

Executive Order 4851 established the Upper Klamath NWR on April 3, 1928:

> as a refuge and breeding ground for birds and wild animals * * * . The reservation of these lands as a wild life refuge is subject to the use thereof by [the Department of the Interior] for irrigation and other incidental purposes.[23]

Public Law 88-567 (78 Stat. 850) narrowed the purposes of the Refuge, focusing upon "waterfowl management":

> to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.
>
> Sec. 2 Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered * * * for the *major purpose of waterfowl management*, but with full consideration to optimum agricultural use that is consistent therewith.[24]

Although "wildlife conservation" is mentioned, the emphasis was shifted by this statute to "the *major purpose* of waterfowl management" rather than wildlife in general. Public Law 88-567 narrows the "primary purpose" of the Refuge from "wildlife refuge" generally to "waterfowl management" in particular. Congress also acknowledged consistent agricultural use, but did not reserve the land for that purpose. We conclude that the sole primary purpose under Public Law 88-567 is waterfowl management. In addition, although P.L. 88-567 added land to an existing refuge, its narrowed purpose applies to the entire refuge.

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[22] The United States Supreme Court cases recognizing federal reserved rights have referred to reservations "from the public domain." *See, e.g., United States v. New Mexico*, 438 US 696 (1978) and *Cappaert v. United States*, 426 US 128, 138 (1976). From that it could be argued that no reserved rights attach to acquisitions from private ownership. The Ninth Circuit, however, has held that acquisitions from private ownership do carry reserved water rights. *United States v. Anderson*, 736 F2d 1358, 1361-1362 (9th Cir. 1984).

[23] Executive Order 4851, April 3, 1928 (emphasis added).

[24] Pub.L. 88-567, sect. 2 (emphasis added).

B. The Four Claims

1. Claim #97-308 (April 3, 1928)

This claim correctly asserts a priority date of April 3, 1928, based upon the date of Executive Order 4851. The primary purpose is "migratory waterfowl management." P.L. 88-567.

2. Claim #97-309 (February 26, 1954)

This claim correctly asserts a priority date of February 26, 1954, based upon the date of issuance of a "Final Judgment In Condemnation and Order Disbursing Funds."[25] The claimed land was acquired on that date "for use in connection with the Upper Klamath National Wildlife Refuge," i.e. the purposes stated in Executive Order 4851 (1928). These purposes were narrowed by the passage in 1964 of P.L. 88-567. Consequently, the purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

3. Claim #97-310 (September 2, 1964)

This claim correctly asserts a priority date of September 2, 1964, based upon the date of passage of Public Law 88-567, which expanded the refuge and elaborated upon the purposes of the Refuge. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

4. Claim #97-311 (February 14, 1968)

This claim correctly asserts a priority date of February 14, 1968, based upon the date of execution of an "Exchange Deed."[26] The land was incorporated on that date into the Upper Klamath National Wildlife Refuge, and thus has the purposes associated with that refuge. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

IV. Lower Klamath National Wildlife Refuge

The FWS makes five claims to water rights in the Lower Klamath NWR. The first claim is to a state vested irrigation right based upon a May 17, 1905 U.S. Bureau of Reclamation (BOR) "Notice of Intent to Appropriate." The other four claims are to federal reserved water rights for "wildlife refuge" purposes. One of the reserved rights is based upon the 1908 Executive Order establishing the Refuge; one is based upon Public Law 88-567 (1964), which added certain lands to the Refuge and elaborated upon the Refuge "purposes;" and the remaining two are based upon land acquisitions from private individuals.

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[25] This land was acquired from private ownership. *See* note 21.

[26] This land was acquired from private ownership. *See* note 21.

A. The State Vested Right (BOR Appropriation)

The FWS claims a "state vested water right" for the purpose of "irrigation for or consistent with Refuge purposes"[27] based upon a May 17, 1905 BOR Notice of Intent to Appropriate.[28] The FWS is entitled to a priority date of May 17, 1905 if the appropriate showing is made for an irrigation right in a Bureau Project.

B. The Reserved Rights Claims

Executive Order 924 established the Lower Klamath NWR on August 8, 1908:

> as a preserve and breeding ground for native birds * * *. This order is made subject to and is not intended to interfere with the use of any part of the reserved area by the Reclamation Service * * *.[29]

For the reasons already described, we believe Public Law 88-567 (78 Stat. 850) changed the purpose of the Refuge to waterfowl management.

Both the Executive Order and Public Law 88-567 acknowledge agricultural use, but do not reserve land for that purpose.

1. Claim #97-313 (August 8, 1908)

This claim correctly asserts a priority date of August 8, 1908, based upon the date of Executive Order 924. The purpose of the Refuge was modified by Public Law 88-567. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

2. Claim #97-314 (September 2, 1964)

This claim correctly asserts a priority date of September 2, 1964, based upon the date of passage of Public Law 88-567, which expanded the Refuge and elaborated upon the purposes. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

3. Claim #97-315 (November 30, 1944)

This claim correctly asserts a priority date of November 30, 1944, based upon the date of recordation of a deed of sale to the United States of America.[30] The land was incorporated on

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[27] The irrigation purposes are for the irrigation of crops: "Cereal grains, grasses, marsh and upland vegetation necessary for or consistent with Refuge purposes." Claim #97-312.

[28] Claim #97-312.

[29] Executive Order 924, Aug. 8, 1908.

[30] This land was acquired from private ownership. *See* note 21.

that date into the Lower Klamath National Wildlife Refuge, and has the purposes associated with that refuge. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

4. Claim #97-316 (July 14, 1949)

This claim correctly asserts a priority date of July 14, 1949, based upon the date of entry of a judgment of condemnation on that date.[31] The land was incorporated on that date into the Lower Klamath National Wildlife Refuge, and has the purposes associated with that refuge. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

IV. Tule Lake National Wildlife Refuge

The FWS makes four claims to water rights in the Tule Lake NWR. The first claim is to a state vested right based upon the same May 17, 1905 Bureau of Reclamation (BOR) "Notice of Intent to Appropriate" for "irrigation" purposes as was relied upon for the Lower Klamath NWR, discussed above. The other three claims are to federal reserved water rights for "wildlife refuge" purposes. All three of the reserved right claims are based upon the Executive Orders establishing or expanding the Refuge.

A. The State Vested Right (BOR Appropriation)

The FWS first claims a "state vested water right" for the purpose of "irrigation for or consistent with Refuge purposes"[32] based upon the BOR's May 17, 1905 Notice of Intent to Appropriate. This claim is identical to that made for the Lower Klamath NWR, discussed above, and the analysis is the same. The FWS may claim vested rights for *irrigation* purposes with the 1905 priority date. Any *additional* water required to fulfill the primary purposes of the Refuge - the reserved right - will have a priority date as of the date of creation or expansion of the Refuge.

B. The Reserved Rights Claims

Executive Order 4975 established the Tule Lake NWR on October 4, 1928:

> as a refuge and breeding ground for birds and animals. * * * All of the lands involved have been withdrawn for reclamation purposes in connection with the Klamath irrigation project * * *. The reservation of these lands as a bird refuge is subject to the use thereof * * * for irrigation and other incidental purposes.[33]

Executive Order 5945 (November 3, 1932) added certain lands to the Refuge:

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[31] This land was acquired from private ownership. *See* note 21.

[32] The irrigation purposes are for the irrigation of crops: "Marsh vegetation, cereal grains, row crops, alfalfa and hay necessary or consistent with Refuge purposes." Claim #97-317.

[33] E.O. 4975, Oct. 4, 1928.

> as a refuge and breeding ground for wild birds and animals. * * * All of the lands here involved have been withdrawn for reclamation purposes in connection with the Klamath Irrigation Project * * *. The reservation of these lands as a wild-life refuge is subject to the use thereof * * * for irrigation and other incidental purposes.[34]
>
> Executive Order 7341 (April 10, 1936) added land to the Refuge "in order to effectuate further the purposes of the Migratory Bird Conservation Act."

Finally, Section 2 of Public Law 88-567 provides that the "major" purpose of the Refuge is waterfowl management.

The Executive Orders, as well as Public law 88-567, refer expressly to use of these lands for irrigation and other incidental uses as well as for wildlife refuge purposes, but they do not reserve the Refuge for agricultural purposes. For the reasons described earlier, we believe the purposes of the Refuge established by the executive orders were narrowed by Public Law 88-567 to waterfowl management.

1. Claim #97-318 (October 4, 1928)

This claim correctly asserts a priority date of October 4, 1928, based upon the date of Executive Order 4975. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

2. Claim #97-319 (November 3, 1932)

This claim correctly asserts a priority date of November 3, 1932, based upon the date of Executive Order 5945, which expanded the Refuge and superseded Executive Order 4975. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

3. Claim #97-320 (April 10, 1936)

This claim asserts a priority date of April 10, 1936, based upon the date of Executive Order 7341, which expanded the Refuge. The purpose for which the right may be recognized is "waterfowl management." P.L. 88-567.

WNP:wnp:ejt:rws/GEN31541

[34] Executive Order 5945, Nov. 3, 1932 (emphasis added).

KBA_APP_135870

KBA_APP_135871

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **300**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 30, 31, and 32 South, Ranges 8 and 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 50,358.3 acre-feet from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for "Wildlife Refuge" water uses.

3. The claimed period of use is October 1 - June 30 for diversion, and January 1 - December 31 for use.

4. The claimed priority dates are September 7, 1960 and July 23, 1985.

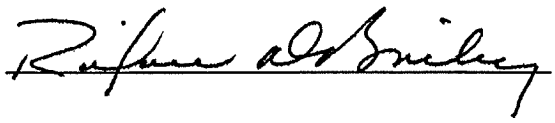
FINDINGS OF FACT

5. The deeds provided with the claim documenting the acquisition of various lands within the refuge are not consistent with the claimed priority date.

CONCLUSION

6. The claimant has not demonstrated that it is entitled to the claimed priority date. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **301**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 30 South, Ranges 9 and 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 60.7 cubic feet per second, or 14,576.7 acre-feet per year from three points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 4858.9 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS:

   NE ¼ NW ¼, Section 24, Township 30 South, Range 9 East, W.M.
   SW ¼ SE ¼, Section 18, Township 30 South, Range 10 East, W.M.
   SE ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 4858.9 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 60.7 cubic feet per second, or 14,576.7 acre-feet per year, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   SE ¼ SE ¼ 37.9 ACRES IRRIGATION
   SECTION 10
   TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

   SW ¼ SW ¼ 37.9 ACRES IRRIGATION
   SE ¼ SW ¼ 37.7 ACRES IRRIGATION
   SW ¼ SE ¼ 34.0 ACRES IRRIGATION
   SECTION 11
   TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼ 37.4 ACRES IRRIGATION
SW ¼ NE ¼ 38.8 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 38.4 ACRES IRRIGATION
SW ¼ SE ¼ 39.3 ACRES IRRIGATION

SECTION 14
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 40.0 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 40.0 ACRES IRRIGATION
SE ¼ SE ¼ 40.0 ACRES IRRIGATION

SECTION 15
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ SE ¼ 24.3 ACRES IRRIGATION
SW ¼ SE ¼ 19.2 ACRES IRRIGATION
SE ¼ SE ¼ 39.6 ACRES IRRIGATION

SECTION 16
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION

NE ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 40.0 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 37.8 ACRES IRRIGATION
SE ¼ SE ¼ 38.8 ACRES IRRIGATION

SECTION 21
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 37.5 ACRES IRRIGATION
SE ¼ SW ¼ 37.2 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 36.1 ACRES IRRIGATION
SE ¼ SE ¼ 35.9 ACRES IRRIGATION

SECTION 22
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 38.2 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 40.0 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 37.3 ACRES IRRIGATION
SW ¼ SW ¼ 37.0 ACRES IRRIGATION
SE ¼ SW ¼ 32.6 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION

NW ¼ SE ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 36.8 ACRES IRRIGATION
SE ¼ SE ¼ 36.9 ACRES IRRIGATION

SECTION 23
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NW ¼ 35.7 ACRES IRRIGATION
NW ¼ NW ¼ 38.2 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 36.5 ACRES IRRIGATION
NE ¼ SW ¼ 35.7 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 36.7 ACRES IRRIGATION
SE ¼ SW ¼ 35.3 ACRES IRRIGATION

SECTION 24
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 38.6 ACRES IRRIGATION
NW ¼ NE ¼ 38.2 ACRES IRRIGATION
SW ¼ NE ¼ 31.3 ACRES IRRIGATION
SE ¼ NE ¼ 37.1 ACRES IRRIGATION
NE ¼ NW ¼ 38.1 ACRES IRRIGATION
NW ¼ NW ¼ 38.6 ACRES IRRIGATION
SW ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 39.4 ACRES IRRIGATION
NE ¼ SW ¼ 22.7 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 39.1 ACRES IRRIGATION
NE ¼ SE ¼ 32.6 ACRES IRRIGATION
NW ¼ SE ¼ 4.6 ACRES IRRIGATION
SW ¼ SE ¼ 32.4 ACRES IRRIGATION
SE ¼ SE ¼ 35.2 ACRES IRRIGATION

SECTION 25
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 38.8 ACRES IRRIGATION
SW ¼ NE ¼ 38.8 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
NE ¼ NW ¼ 37.1 ACRES IRRIGATION
NW ¼ NW ¼ 39.0 ACRES IRRIGATION
SW ¼ NW ¼ 24.7 ACRES IRRIGATION

SE ¼ NW ¼ 37.5 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 40.0 ACRES IRRIGATION
SE ¼ SE ¼ 38.6 ACRES IRRIGATION

SECTION 26
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 25.8 ACRES IRRIGATION
SE ¼ NE ¼ 28.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
NW ¼ NW ¼ 39.4 ACRES IRRIGATION
SW ¼ NW ¼ 4.5 ACRES IRRIGATION
SE ¼ NW ¼ 16.5 ACRES IRRIGATION

SECTION 27
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 36.3 ACRES IRRIGATION
NW ¼ NE ¼ 15.3 ACRES IRRIGATION

SECTION 28
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼ 0.5 ACRES IRRIGATION

SECTION 36
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

SW ¼ NW ¼ 33.4 ACRES IRRIGATION
SE ¼ NW ¼ 35.4 ACRES IRRIGATION
NE ¼ SW ¼ 36.1 ACRES IRRIGATION
NW ¼ SW ¼ 31.4 ACRES IRRIGATION
SW ¼ SW ¼ 30.8 ACRES IRRIGATION
SE ¼ SW ¼ 10.9 ACRES IRRIGATION

SECTION 19
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 25.9 ACRES IRRIGATION
NW ¼ NW ¼ 32.4 ACRES IRRIGATION
SW ¼ NW ¼ 32.4 ACRES IRRIGATION

SE ¼ NW ¼ 33.3 ACRES IRRIGATION
NE ¼ SW ¼ 17.8 ACRES IRRIGATION
NW ¼ SW ¼ 9.5 ACRES IRRIGATION
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

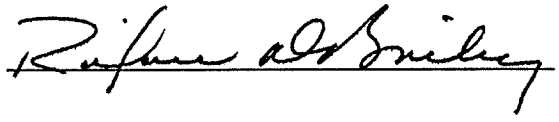
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **302**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 29 and 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 76.27 cubic feet per second, or 20717.5 acre-feet per year from one point of diversion located on Williamson River, tributary to Upper Klamath Lake for irrigation of 5694.7 acres and livestock.

4. For the period of use for irrigation, the claimant claimed "Irrigation Season." The claimed season of use for livestock is January 1 - December 31.

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found fewer acres irrigated than were claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   Irrigation:
   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

   Livestock:
   RATE: 12 gpd/head SEASON: January 1 - December 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: unknown

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: livestock and irrigation of 5677.9 acres. This is a smaller area than what was claimed.

   AMOUNT ACTUALLY BENEFICIALLY USED: 71.27 cubic feet per second, or 17,104 acre-feet per year for irrigation, and 5.0 cubic feet per second, or 3613.5 acre-feet per year for livestock, measured at the point of diversion

   PERIOD OF USE: March 1 - October 31 for irrigation; January 1 - December 31 for livestock

   PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	13.5	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	20.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	37.2	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	20.2	ACRES IRRIGATION & STOCK

SECTION 15
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	20.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	20.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	20.0	ACRES IRRIGATION & STOCK
SW ¼ SW ¼	38.1	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK

SECTION 22
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK

SECTION 23
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK

SW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK

SECTION 27
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	20.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	20.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	16.7	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	37.9	ACRES IRRIGATION & STOCK

SECTION 28
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ SE ¼	39.0	ACRES IRRIGATION & STOCK
LOT 3 SW ¼ SE ¼	32.8	ACRES IRRIGATION & STOCK
LOT 4 SE ¼ SE ¼	38.7	ACRES IRRIGATION & STOCK

SECTION 32
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	33.7	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	31.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	36.2	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	39.1	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	36.2	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
LOT 1 SW ¼ SW ¼	38.7	ACRES IRRIGATION & STOCK
LOT 2 SE ¼ SW ¼	38.8	ACRES IRRIGATION & STOCK
LOT 3 SW ¼ SE ¼	39.0	ACRES IRRIGATION & STOCK
LOT 4 SE ¼ SE ¼	36.1	ACRES IRRIGATION & STOCK

SECTION 33
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK

NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
LOT 1 SW ¼ SW ¼	39.2	ACRES IRRIGATION & STOCK
LOT 2 SE ¼ SW ¼	39.2	ACRES IRRIGATION & STOCK
LOT 3 SW ¼ SE ¼	39.4	ACRES IRRIGATION & STOCK
LOT 4 SE ¼ SE ¼	39.6	ACRES IRRIGATION & STOCK

SECTION 34
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
LOT 1 SW ¼ SW ¼	39.6	ACRES IRRIGATION & STOCK
LOT 2 SE ¼ SW ¼	39.6	ACRES IRRIGATION & STOCK
LOT 3 SW ¼ SE ¼	39.6	ACRES IRRIGATION & STOCK

SECTION 35
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK

NE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK

SECTION 2
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK

SECTION 3
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	36.3	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	36.3	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SW ¼	31.4	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	36.1	ACRES IRRIGATION & STOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ SE ¼	36.0	ACRES IRRIGATION & STOCK

SECTION 4
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	39.9	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	25.8	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	14.0	ACRES IRRIGATION & STOCK
NE ¼ SE ¼	33.1	ACRES IRRIGATION & STOCK

SECTION 5
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	35.8	ACRES IRRIGATION & STOCK
NW ¼ NE ¼	39.2	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	7.8	ACRES IRRIGATION & STOCK
SE ¼ NE ¼	26.6	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	24.3	ACRES IRRIGATION & STOCK

SECTION 9
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NE ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NW ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
SW ¼ NW ¼	34.8	ACRES IRRIGATION & STOCK
SE ¼ NW ¼	40.0	ACRES IRRIGATION & STOCK
NE ¼ SW ¼	20.4	ACRES IRRIGATION & STOCK
NW ¼ SW ¼	8.0	ACRES IRRIGATION & STOCK
SE ¼ SW ¼	33.0	ACRES IRRIGATION & STOCK

SECTION 10
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **303**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Section 19, Township 30 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 1.73 cubic feet per second, or 208.2 acre-feet per year from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 69.4 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection relating to Permit 44426 which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 69.4 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 1.73 cubic feet per second, or 208.2 acre-feet per year measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NE ¼ NW ¼ 40.0 ACRES IRRIGATION
   NW ¼ NW ¼ 29.4 ACRES IRRIGATION
   SECTION 19
   TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **304**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 4.0 cubic feet per second, or 480 acre-feet per year from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 160.0 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 160.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 4.0 cubic feet per second, or 480 acre-feet per year measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SW ¼ SW ¼ 40.0 ACRES IRRIGATION
SE ¼ SW ¼ 40.0 ACRES IRRIGATION
SECTION 12
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NW ¼ 40.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SECTION 13
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

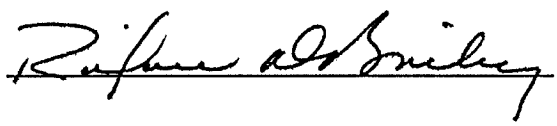
    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. The claimed water use was not developed prior to the first transfer to a non-Indian. However, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **305**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 8.0 cubic feet per second, or 960 acre-feet per year from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 320.0 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection relating to Permit 44428 which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS:

   NW ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.
   NE ¼ NW ¼, Section 24, Township 30 South, Range 9 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 320.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 8.0 cubic feet per second, or 960 acre-feet per year measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

SW ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	40.0	ACRES IRRIGATION

SECTION 13
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	40.0	ACRES IRRIGATION
SW ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION

SW ¼ SE ¼ 40.0 ACRES IRRIGATION
SE ¼ SE ¼ 40.0 ACRES IRRIGATION
SECTION 24
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

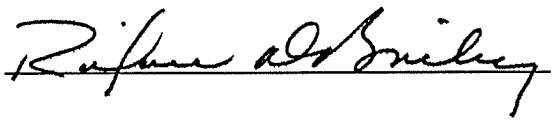
b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. The claimed water use was not developed prior to the first transfer to a non-Indian. However, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **306**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 30 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 7.98 cubic feet per second, or 957 acre-feet per year from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 319.0 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection relating to Permit 44534 which found the use as claimed.

7. The delivery system has the capacity to deliver the claimed amount.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

   POINT OF DIVERSION LOCATIONS: NE ¼ NW ¼, Section 24, Township 30 South, Range 9 East, W.M.

   SOURCE: Williamson River, tributary to Upper Klamath Lake

   USE: irrigation of 319.0 acres

   AMOUNT ACTUALLY BENEFICIALLY USED: 7.98 cubic feet per second, or 957 acre-feet per year measured at the point of diversion

   PERIOD OF USE: March 1 - October 31

   PRIORITY DATE: October 14, 1864

   PLACE OF USE:

   NW ¼ NW ¼ 39.0 ACRES IRRIGATION
   SW ¼ NW ¼ 40.0 ACRES IRRIGATION
   SECTION 28
   TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	40.0	ACRES IRRIGATION
SW ¼ NE ¼	40.0	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
SE ¼ NW ¼	40.0	ACRES IRRIGATION
NE ¼ SW ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 29
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:

    a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

    b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

    c. The claimed water use was not developed prior to the first transfer to a non-Indian. However, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **307**
Walton claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 30 and 31 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A *WALTON* CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:

   a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.

   b. Transfer from Indian ownership.

   c. The extent of development at the time of transfer from Indian ownership.

   d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 10.2 cubic feet per second, or 2439.0 acre-feet per year from Lenz Creek (Big Springs Creek), tributary to Williamson River, for irrigation of 813.0 acres.

4. For the period of use, the claimant claimed "Irrigation Season."

5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found that a portion of the area claimed is irrigated through natural overflow only, with no artificial diversion of water involved.

7. The delivery system has the capacity to deliver 3.61 cubic feet per second.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 35, Township 30 South, Range 8 East, W.M.

SOURCE: Lenz Creek (Big Springs Creek), tributary to Williamson River

USE: irrigation of 521.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.61 cubic feet per second, or 1823.5 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	40.0	ACRES IRRIGATION
NW ¼ NE ¼	39.8	ACRES IRRIGATION
SW ¼ NE ¼	36.2	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION

LOT 3 SW ¼ SE ¼ 39.3 ACRES IRRIGATION
LOT 4 SE ¼ SE ¼ 39.3 ACRES IRRIGATION

SECTION 35
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼ 20.3 ACRES IRRIGATION
NW ¼ SW ¼ 38.1 ACRES IRRIGATION
LOT 1 SW ¼ SW ¼ 39.4 ACRES IRRIGATION
LOT 2 SE ¼ SW ¼ 20.0 ACRES IRRIGATION

SECTION 36
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

LOT 5 NE ¼ NE ¼ 6.8 ACRES IRRIGATION
LOT 6 NW ¼ NE ¼ 16.4 ACRES IRRIGATION
SW ¼ NE ¼ 25.4 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION

SECTION 2
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Natural overflow.

SOURCE: Upper Klamath Marsh, tributary to Williamson River

USE: irrigation of 784.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 10.2 cubic feet per second, or 2439.0 acre-feet

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 40.0 ACRES IRRIGATION
NW ¼ NE ¼ 33.3 ACRES IRRIGATION
SW ¼ NE ¼ 36.2 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
NE ¼ SE ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION

LOT 3 SW ¼ SE ¼ 39.3 ACRES IRRIGATION
LOT 4 SE ¼ SE ¼ 39.3 ACRES IRRIGATION

SECTION 35
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 20.3 ACRES IRRIGATION
NW ¼ NE ¼ 40.0 ACRES IRRIGATION
SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 39.9 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SE ¼ 40.0 ACRES IRRIGATION
LOT 1 SW ¼ SW ¼ 39.4 ACRES IRRIGATION
LOT 2 SE ¼ SW ¼ 39.4 ACRES IRRIGATION
LOT 3 SW ¼ SE ¼ 39.4 ACRES IRRIGATION

SECTION 36
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

SW ¼ NE ¼ 25.4 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
LOT 5 NE ¼ NE ¼ 16.2 ACRES IRRIGATION
LOT 6 NW ¼ NE ¼ 16.4 ACRES IRRIGATION

SECTION 2
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

The total amount used from all sources and delivery methods may not exceed one-fortieth of one cubic foot per second per acre, or 3.5 acre-feet per acre.

10. For the required *Walton* elements the Department finds:

a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

c. Water for the claimed use was used by the last Indian owner of the property.

d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **308**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 35 and 36 South, Range 6 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 20,933.2 acre-feet per year from diffuse waters of Crystal Creek, tributary to Upper Klamath Lake, and Upper Klamath Lake, tributary to Link River, for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is April 3, 1928.

FINDINGS OF FACT

6. A field inspection was not performed by Department personnel or an independent professional.

7. There is no artificial delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

9. The primary purpose of the refuge is "migratory waterfowl management."

10. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: diversion of diffuse waters is coincident with the place of use described below.

SOURCES: Crystal Creek, tributary to Upper Klamath Lake, and Upper Klamath Lake, tributary to Link River

USE: migratory waterfowl management

AMOUNT: 20,933.2 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: April 3, 1928

PLACE OF USE:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 1
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NW ¼ NE ¼
SECTION 2
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 12
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼

SW ¼ SE ¼
SE ¼ SE ¼

SECTION 13
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 24
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼

SECTION 25
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 35
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 36
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

UNSURVEYED AREAS IN THE VICINITY OF SECTIONS 25 AND 36
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
LOT 3 NE ¼ NW ¼
SECTION 2
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 3
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 11
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 12
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 14
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

UNSURVEYED AREAS IN THE VICINITY OF SECTIONS 2, 3, 11, 12, AND 13
TOWNSHIP 35 SOUTH, RANGE 6 EAST, W.M.

CONCLUSION

11. The claim is approved to the extent described in item 10 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **309**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 35 South, Range 7½ East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 13,857.5 acre-feet per year from diffuse waters of Upper Klamath Lake, tributary to Link River, for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is February 26, 1954.

FINDINGS OF FACT

5. A field inspection was not performed by Department personnel or an independent professional.

6. There is no artificial delivery system.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: diversion of diffuse waters is coincident with the place of use described below.

SOURCES: Upper Klamath Lake, tributary to Link River

USE: waterfowl management

AMOUNT: 13,857.5 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: February 26, 1954

PLACE OF USE:

LOT 1
LOT 2
LOT 3
LOT 4
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

LOT 2
LOT 3
LOT 4
LOT 5
LOT 6

LOT 7
LOT 8
SECTION 10
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

SW ¼ SW ¼
LOT 1
LOT 2
LOT 3
LOT 4
SECTION 16
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 17
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 18
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 19
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NW ¼ NW ¼
LOT 1
LOT 2
LOT 3
LOT 4
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

LOT 1
LOT 2
LOT 3
LOT 4
SECTION 28
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼
NW ¼ SW ¼
LOT 1
LOT 2
LOT 3
LOT 4
SECTION 29
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
LOT 1

LOT 2
LOT 3
LOT 4
LOT 5
ADDITIONAL UNSURVEYED AREA
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **310**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 34 South, Range 6 East, W.M., and Township 37 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 8,109.9 acre-feet per year from diffuse waters of Upper Klamath Lake, tributary to Link River, for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is September 2, 1964.

FINDINGS OF FACT

5. A field inspection was not performed by Department personnel or an independent professional.

6. There is no artificial delivery system.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: diversion of diffuse waters is coincident with the place of use described below.

SOURCES: Upper Klamath Lake, tributary to Link River

USE: waterfowl management

AMOUNT: 8,109.9 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: September 2, 1964

PLACE OF USE:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 25
TOWNSHIP 34 SOUTH, RANGE 6 EAST, W.M.

NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 34 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 35
TOWNSHIP 34 SOUTH, RANGE 6 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 36
TOWNSHIP 34 SOUTH, RANGE 6 EAST, W.M.

SW ¼ NE ¼
NE ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
LOT 2
LOT 3
LOT 4
LOT 7
SECTION 25
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

LOT 1
SECTION 26
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
SECTION 35
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
LOT 4
LOT 5
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **311**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 35 South, Range 7½ East, W.M., and Township 37 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 609.7 acre-feet per year from diffuse waters of Upper Klamath Lake, tributary to Link River, for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is February 14, 1968.

FINDINGS OF FACT

5. A field inspection was not performed by Department personnel or an independent professional.

6. There is no artificial delivery system.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: diversion of diffuse waters is coincident with the place of use described below.

SOURCES: Upper Klamath Lake, tributary to Link River

USE: waterfowl management

AMOUNT: 609.7 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: February 14, 1968

PLACE OF USE:

NE ¼ NE ¼
NW ¼ NE ¼
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 7½ EAST, W.M.

NE ¼ NW ¼
NW ¼ NW ¼
LOT 1
SECTION 10
TOWNSHIP 35 SOUTH, RANGE 7½ EAST, W.M.

UNSURVEYED AREA
TOWNSHIP 35 SOUTH, RANGE 7½ EAST, W.M.

LOT 1
LOT 5
LOT 6
LOT 8
SECTION 25
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

LOT 1
LOT 2
LOT 3
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **312**
Pre-1909 claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 41 South, Ranges 8, 9, and 10 East, W.M.; Township 47 North, Ranges 2 and 3 East, M.D.M.; and Township 48 North, Ranges 1, 2 and 3 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 6, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 383.6 cubic feet per second, or 76,715.3 acre-feet per year from Klamath River, tributary to Pacific Ocean, and Upper Klamath Lake, tributary to Link River, for irrigation of 30,686.1 acres.

4. The period of use is January 1 - December 31.

5. The claimed priority date is May 19, 1905.

6. The Department performed a field inspection which found the use as approved in the place of use listing in Item 9 below.

7. The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the approved use in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River:	NW ¼ SE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
A Canal:	SW ¼ NE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
Ady Canal:	NE ¼ NW ¼,	Section 15,	Township 40 South, Range 8 East, W.M.
Station 48:	NE ¼ NW ¼,	Section 31,	Township 39 South, Range 10 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the quantity of water actually beneficially used.

PERIOD OF USE: March 1 - October 31. The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31.

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as irrigated within the quarter-quarter sections claimed.

10. For the required Pre-1909 elements the Department finds:

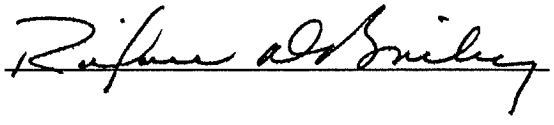
a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **313**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 41 South, Ranges 8 and 9 East, W.M., Township 47 North, Ranges 2 and 3 East, M.D.M., and Township 48 North, Ranges 1, 2 and 3 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 5, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 108,229.4 acre-feet per year from four points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is August 8, 1908.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Ady and Central Canal diversion at Klamath River within NE ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 108,229.4 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: August 8, 1908

PLACE OF USE:

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 SW ¼ NE ¼
LOT 4 SE ¼ NE ¼
LOT 5 NE ¼ SE ¼
LOT 6 NW ¼ SE ¼
LOT 7 SW ¼ SE ¼
LOT 8 SE ¼ SE ¼
SECTION 1
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SW ¼

SECTION 11
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 SW ¼ NE ¼
LOT 4 SE ¼ NE ¼
LOT 5 NE ¼ SE ¼
LOT 6 NW ¼ SE ¼
LOT 7 SW ¼ SE ¼
LOT 8 SE ¼ SE ¼

SECTION 12
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 5 SW ¼ NE ¼
LOT 6 SE ¼ NE ¼

SECTION 13
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼

SECTION 14
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NW ¼
LOT 2 NW ¼ NW ¼
LOT 3 SW ¼ NW ¼
LOT 4 SE ¼ NW ¼
LOT 5 NW ¼ SE ¼
LOT 6 NE ¼ SW ¼
LOT 7 NW ¼ SW ¼
LOT 8 SW ¼ SW ¼
LOT 9 SE ¼ S.W ¼
LOT 10 SW ¼ SE ¼

SECTION 3
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼

LOT 5 SW ¼ NW ¼
LOT 6 SE ¼ NW ¼
LOT 7 SW ¼ NE ¼
LOT 8 SE ¼ NE ¼
LOT 9 NE ¼ SE ¼
LOT 10 NW ¼ SE ¼
LOT 11 NE ¼ SW ¼
LOT 12 NW ¼ SW ¼
LOT 13 SW ¼ SW ¼
LOT 14 SE ¼ SW ¼
LOT 15 SW ¼ SE ¼
LOT 16 SE ¼ SE ¼

SECTION 4
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 SW ¼ NW ¼
LOT 3 SE¼ NW ¼
LOT 4 SW ¼ NE ¼
LOT 5 SE¼ NE ¼
LOT 6 NE ¼ SE ¼
LOT 7 NW ¼ SE ¼
LOT 8 NE ¼ SW ¼
LOT 9 SW ¼ SE ¼
LOT 10 SE ¼ SE ¼

SECTION 5
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
LOT 5 SW ¼ NW ¼
LOT 6 SE ¼ NW ¼
LOT 7 SW ¼ NE ¼
LOT 8 SE ¼ NE ¼
LOT 9 NW ¼ SW ¼

SECTION 6
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 SW ¼ NW ¼
LOT 4 SE ¼ NW ¼
LOT 5 SW ¼ NE ¼
LOT 6 SE ¼ NE ¼
LOT 7 NE ¼ SE ¼
LOT 8 NW ¼ SE ¼
LOT 9 NE ¼ SW¼
LOT 10 NW ¼ SW ¼
LOT 11 SW ¼ SW ¼
LOT 12 SE ¼ SW ¼
LOT 13 SW ¼ SE ¼
LOT 14 SE ¼ SE ¼

SECTION 8
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
LOT 5 SW ¼ NW ¼
LOT 6 SE ¼ NW ¼
LOT 7 SW ¼ NE ¼
LOT 8 SE ¼ NE ¼
LOT 9 NE ¼ SE ¼
LOT 10 NW ¼ SE ¼
LOT 11 NE ¼ SW ¼
LOT 12 NW ¼ SW ¼
LOT 13 SW ¼ SW ¼
LOT 14 SE ¼ SW ¼
LOT 15 SW ¼ SE ¼
LOT 16 SE ¼ SE ¼

SECTION 9
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
LOT 5 SW ¼ NW ¼
LOT 6 SE ¼ NW ¼
LOT 7 SW ¼ NE ¼

LOT 8 SE ¼ NE ¼
LOT 9 NE ¼ SE ¼
LOT 10 NW ¼ SE ¼
LOT 11 NE ¼ SW ¼
LOT 12 NW ¼ SW ¼
LOT 13 SW ¼ SW ¼
LOT 14 SE ¼ SW ¼
LOT 15 SW ¼ SE ¼
LOT 16 SE ¼ SE ¼

SECTION 10
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
LOT 5 NE ¼ SE ¼
LOT 6 NW ¼ SE ¼
LOT 7 NE ¼ SW ¼
LOT 8 SW ¼ SW ¼

SECTION 14
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 5 NE ¼ NE ¼
LOT 6 NW ¼ NE ¼
LOT 7 NE ¼ NW ¼
LOT 8 NW ¼ NW ¼
LOT 9 SW ¼ NW ¼
LOT 10 SE ¼ NW ¼
LOT 11 SW ¼ NE ¼
LOT 12 SE ¼ NE ¼
LOT 13 NE ¼ SE ¼
LOT 14 NW ¼ SE ¼
LOT 15 NE ¼ SW ¼
LOT 16 SW ¼ SW ¼

SECTION 15
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 5 NE ¼ NE ¼
LOT 6 NW ¼ NE ¼
LOT 7 NE ¼ NW ¼
LOT 8 NW ¼ NW ¼
LOT 9 SW ¼ NW ¼
LOT 10 SE ¼ NW ¼
LOT 11 SW ¼ NE ¼
LOT 12 SE ¼ NE ¼
LOT 13 NE ¼ SE ¼
LOT 14 NW ¼ SE ¼
LOT 15 NE ¼ SW ¼
LOT 16 NW ¼ SW ¼

SECTION 16
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 5 NE ¼ NE ¼
LOT 6 NW ¼ NE ¼
LOT 7 NE ¼ NW ¼
LOT 8 NW ¼ NW ¼
LOT 9 SW ¼ NW ¼
LOT 10 SE ¼ NW ¼
LOT 11 SW ¼ NE ¼
LOT 12 SE ¼ NE ¼
LOT 13 NE ¼ SE ¼
LOT 14 NW ¼ SE ¼
LOT 15 NE ¼ SW ¼
LOT 16 NW ¼ SW ¼

SECTION 17
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

LOT 5 NE ¼ NE ¼
LOT 6 NW ¼ NE ¼
LOT 7 NE ¼ NW ¼
LOT 8 NW ¼ NW ¼
LOT 9 SW ¼ NW ¼
LOT 10 SE ¼ NW ¼
LOT 11 SW ¼ NE ¼
LOT 12 SE ¼ NE ¼
LOT 13 NE ¼ SE ¼

LOT 14 NW ¼ SE ¼
LOT 15 NE ¼ SW ¼
LOT 16 SW ¼ SW ¼

SECTION 18
TOWNSHIP 41 SOUTH, RANGE 9 EAST, W.M.

SW ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼

SECTION 4
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ SE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼

SECTION 5
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

SE ¼ NW ¼
SW ¼ NE ¼
NE ¼ SW ¼
SE ¼ SW ¼

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼

SECTION 6
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼

SECTION 7
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼

SECTION 8
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼

SECTION 9
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

SW ¼ SW ¼
SECTION 10
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

UNSURVEYED AREA (UNIT 5B)
UNSURVEYED AREA (UNIT 6A)
UNSURVEYED AREA (UNIT 6B2)
UNSURVEYED AREA (UNIT 6C)
UNSURVEYED AREA (UNIT 7A)
UNSURVEYED AREA (UNIT 7B)
UNSURVEYED AREA (UNIT 10B)
UNSURVEYED AREA (UNIT 10C)
UNSURVEYED AREA (UNIT 11AN)
UNSURVEYED AREA (UNIT 11AS)
UNSURVEYED AREA (UNIT 11B)
UNSURVEYED AREA (UNIT 11C)
UNSURVEYED AREA (UNIT 13A)
UNSURVEYED AREA (UNIT 13B)
TOWNSHIP 47 NORTH, RANGE 2 EAST, M.D.M.

LOT 1 NE ¼ NW ¼
LOT 2 NW ¼ NW ¼
LOT 3 SW ¼ NW ¼
LOT 4 SE ¼ NW ¼
LOT 5 NE ¼ SW ¼
LOT 6 NW ¼ SW ¼
LOT 7 SW ¼ SW ¼
LOT 8 SE ¼ SW ¼
SECTION 4
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
SECTION 5
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ NE ¼
SE ¼ NE ¼

SECTION 8
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

LOT 1 NW ¼ NW ¼
LOT 2 SW ¼ NW ¼
LOT 3 NW ¼ SW ¼
LOT 4 SW ¼ SW ¼

SECTION 9
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

LOT 1 NW ¼ NW ¼

SECTION 16
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

UNSURVEYED AREA (UNIT 4C)
UNSURVEYED AREA (UNIT 7A)
UNSURVEYED AREA (UNIT 7B)
UNSURVEYED AREA (UNIT 8B)
UNSURVEYED AREA (UNIT 9A)
UNSURVEYED AREA (UNIT 9B)
UNSURVEYED AREA (UNIT 11B)
UNSURVEYED AREA (UNIT 11C)
UNSURVEYED AREA (UNIT 12A)
UNSURVEYED AREA (UNIT 12B)
UNSURVEYED AREA (UNIT 12C)
UNSURVEYED AREA (UNIT 13A)
UNSURVEYED AREA (UNIT 13B)
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ SE ¼
SE ¼ SE ¼

SECTION 22
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NE ¼
LOT 2 SE ¼ NE ¼
LOT 3 NE ¼ SE ¼

SECTION 23
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

LOT 1 SW ¼ SE ¼
LOT 2 SE ¼ SW ¼
LOT 3 SW ¼ SW ¼

SECTION 24
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
LOT 5 NW ¼ NE ¼
LOT 6 SW ¼ NE ¼
LOT 8 NE ¼ SE ¼

SECTION 25
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
LOT 7 NE ¼ NW ¼
LOT 8 NW ¼ NW ¼
LOT 10 SE ¼ NW ¼

SECTION 26
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

UNSURVEYED AREA (UNIT 2)
TOWNSHIP 48 NORTH, RANGE 1 EAST, M.D.M.

SW ¼ SW ¼
SE ¼ SW ¼

SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ SE ¼
LOT 2 NW ¼ SE ¼
LOT 3 NE ¼ SW ¼
LOT 4 NW ¼ SW ¼
SECTION 13
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

SE ¼ SE ¼
LOT 2 NW ¼ SE ¼
SECTION 14
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
SECTION 23
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 24
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
SECTION 25
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼

SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼

SECTION 28
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

SE ¼ NE ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 29
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

LOT 1 SW ¼ SW ¼

SECTION 30
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ SW ¼
SE ¼ SW ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NW ¼

SECTION 31
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 32
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼

SECTION 33
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

UNSURVEYED AREA (UNIT 1)
UNSURVEYED AREA (UNIT 2)
UNSURVEYED AREA (UNIT 3A)
UNSURVEYED AREA (UNIT 3B1)
UNSURVEYED AREA (UNIT 3B2)
UNSURVEYED AREA (UNIT 3B3)
UNSURVEYED AREA (UNIT 4A)
UNSURVEYED AREA (UNIT 4B)
UNSURVEYED AREA (UNIT 4C)
UNSURVEYED AREA (UNIT 5B)
UNSURVEYED AREA (UNIT 6A)
UNSURVEYED AREA (UNIT 6B1)
UNSURVEYED AREA (UNIT 6B2)
UNSURVEYED AREA (UNIT 6C)
UNSURVEYED AREA (UNIT 7A)
UNSURVEYED AREA (UNIT 7B)
TOWNSHIP 48 NORTH, RANGE 2 EAST, M.D.M.

LOT 1 SW ¼ SW ¼
SECTION 18
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼

SW ¼ SE ¼
LOT 1 NE ¼ NW ¼
LOT 2 SE ¼ NW ¼
LOT 3 SW ¼ NE ¼
LOT 4 NW ¼ SE ¼
LOT 5 NE ¼ SE ¼
LOT 6 SE ¼ SE ¼

SECTION 19
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

SE ¼ SW ¼
LOT 1 NW ¼ NW ¼
LOT 2 SW ¼ NW ¼
LOT 3 SE ¼ NW ¼
LOT 4 NW ¼ SE ¼
LOT 5 NE ¼ SW ¼
LOT 6 NW ¼ SW ¼
LOT 7 SW ¼ SW ¼
LOT 8 SW ¼ SE ¼
LOT 9 SE ¼ SE ¼

SECTION 29
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NE ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
LOT 5 SW ¼ NW ¼

SECTION 30
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ NE ¼

SECTION 31
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1 NE ¼ NE ¼
SECTION 32
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ SW ¼
SW ¼ SW ¼
LOT 1 SW ¼ NW ¼
LOT 2 NE ¼ SW ¼
LOT 3 SE ¼ SW ¼
LOT 4 SW ¼ SE ¼
SECTION 33
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

UNSURVEYED AREA (UNIT 4A)
UNSURVEYED AREA (UNIT 4C)
UNSURVEYED AREA (UNIT 4D)
UNSURVEYED AREA (UNIT 4E)
UNSURVEYED AREA (UNIT 4F)
UNSURVEYED AREA (UNIT 7A)
UNSURVEYED AREA (UNIT 7B)
UNSURVEYED AREA (UNIT 8A)
UNSURVEYED AREA (UNIT 8B)
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **314**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 41 South, Range 10 East, W.M., and Townships 47 and 48 North, Range 3 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 3,680.1 acre-feet per year from three points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is September 2, 1964.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of se for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 3,680.1 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: September 2, 1964

PLACE OF USE:

LOT 5
LOT 7
LOT 8
LOT 9
SECTION 15
TOWNSHIP 41 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NE ¼
NW ¼ SE ¼
LOT 5
LOT 6
LOT 7
SECTION 16
TOWNSHIP 41 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SW ¼
LOT 4
SECTION 2
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

LOT 1
LOT 2
SECTION 3
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

SE ¼ SE ¼
SECTION 9
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

SW ¼ SW ¼
SE ¼ SW ¼
SW ¼ SE ¼
SECTION 10
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NW ¼
SECTION 11
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

LOT 7
SECTION 15
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

SW ¼ SW ¼
SE ¼ SW ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 2
LOT 3
LOT 4
LOT 5
SECTION 16
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

LOT 5
LOT 6
LOT 8
LOT 9
SECTION 17
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

LOT 3
SECTION 20
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SW ¼
LOT 4
SECTION 21
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SE ¼
LOT 4
LOT 5
LOT 6
SECTION 22
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ SW ¼
SECTION 26
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NE ¼
SE ¼ NE ¼
SECTION 27
TOWNSHIP 48 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SW ¼ SW ¼
SECTION 35
TOWNSHIP 48 SOUTH, RANGE 3 EAST, W.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **315**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 47 North, Range 3 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 1,141.7 acre-feet per year from four points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is November 30, 1944.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Ady and Central Canal diversion at Klamath River within NE ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 1,141.7 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: November 30, 1944

PLACE OF USE:

NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 9
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SECTION 16
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 17
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NE ¼
SECTION 20
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **316**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 47 North, Range 3 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 87.6 acre-feet per year from four points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is July 14, 1949.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Ady and Central Canal diversion at Klamath River within NE ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 87.6 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: July 14, 1949

PLACE OF USE:

SE ¼ SW ¼
SECTION 4
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

SW ¼ NW ¼
SECTION 9
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

NW ¼ NE ¼
SE ¼ NW ¼
NW ¼ SW ¼
SECTION 16
TOWNSHIP 47 NORTH, RANGE 3 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **317**
Pre-1909 claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 46 and 47 North, Ranges 4 and 5 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 6, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:

   a. Use of water, or construction of works for the application of water prior to February 24, 1909.

   b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on April 30, 1997.

3. The claim is for a total of 249.5 cubic feet per second, or 49,902.3 acre-feet per year from Klamath River, tributary to Pacific Ocean, and Upper Klamath Lake, tributary to Link River, for irrigation of 19,960.9 acres.

4. The period of use is January 1 - December 31.

5. The claimed priority date is May 19, 1905.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as approved in the place of use listing in Item 9 below.

7. The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the approved use in this basin are as follows:

Irrigation:
RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River:	NW ¼ SE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
A Canal:	SW ¼ NE ¼,	Section 30,	Township 38 South, Range 9 East, W.M.
Station 48:	NE ¼ NW ¼,	Section 31,	Township 39 South, Range 10 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the quantity of water actually beneficially used.

PERIOD OF USE: March 1 - October 31. The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31.

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as irrigated within the quarter-quarter sections claimed.

10. For the required Pre-1909 elements the Department finds:

a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.

b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **318**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 46 and 47 North, Range 4 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 31,480.9 acre-feet per year from three points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is October 4, 1928.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 31,480.9 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 4, 1928

PLACE OF USE:

LOT 3
LOT 4
LOT 5
LOT 6
SECTION 2
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 7
SECTION 2
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ SW ¼
LOT 11
LOT 14

LOT 15
LOT 16
LOT 18
SECTION 3
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 6
LOT 9
LOT 12
SECTION 4
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 9
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 11
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 14
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼

SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 15
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 16
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 20
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 21
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 22
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 23

TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SECTION 26
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 27
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 28
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 29
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 32
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 33
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
SECTION 34
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 35
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **319**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Township 47 North, Range 4 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 2,874.7 acre-feet per year from three points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is November 3, 1932.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 2,874.7 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: November 3, 1932

PLACE OF USE:

LOT 11
SECTION 3
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 5
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 8
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SE ¼ NW ¼
LOT 4
SECTION 11
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 17
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
SECTION 20
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

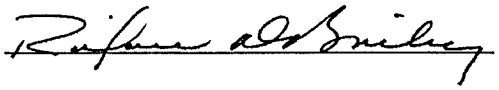
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
SECTION 26
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
SE ¼ NW ¼
SECTION 35
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **320**
Federal Reserve claim

Current Claimant(s) of Record:

US Dept of The Interior
Fish & Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

Original Claimant(s):

US Dept of The Interior
Fish & Wildlife Service

The general location of the claimed use is Townships 46 and 47 North, Ranges 4 and 5 East, M.D.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

CLAIM INFORMATION

1. The claim was filed on April 30, 1997.

2. The claim is for a total of 66,205.8 acre-feet per year from three points of diversion on Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean for "Wildlife Refuge" water uses.

3. The claimed period of use is January 1 - December 31.

4. The claimed priority date is April 10, 1936.

FINDINGS OF FACT

5. The Department performed a field inspection which found the use substantially as claimed.

6. The delivery system has the capacity to deliver the claimed amount.

7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

   For wildlife use: SEASON: January 1 - December 31

8. The primary purpose of the refuge is "waterfowl management."

9. The Department finds that the claimant is entitled to the following use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

Link River Dam within NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

"A" Canal Headworks within SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

Station 48 Diversion at Lost River Diversion Channel within NE ¼ NW ¼, Section 31, Township 39 South, Range 10 East, W.M.

SOURCES: Upper Klamath Lake, tributary to Link River, and Klamath River, tributary to Pacific Ocean

USE: waterfowl management

AMOUNT: 66,205.8 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: April 10, 1936

PLACE OF USE:

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2

LOT 3
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LOT 6
LOT 7
LOT 8
SECTION 1
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 7
LOT 8
SECTION 2
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3

LOT 4
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LOT 7
LOT 8
SECTION 3
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
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LOT 6
LOT 7
LOT 8
SECTION 4
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

LOT 1
LOT 2
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LOT 6
LOT 7
LOT 8
SECTION 5
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 6
SECTION 6
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
SECTION 7
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

LOT 1
LOT 2
LOT 3
LOT 4
SECTION 8
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
SECTION 9
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 2
LOT 3
LOT 4
LOT 5
SECTION 10
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 10
LOT 15
SECTION 11
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 18
SECTION 12
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 18
SECTION 14
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
LOT 9
LOT 10
LOT 17
LOT 18

LOT 19
LOT 20
LOT 23
LOT 24
SECTION 15
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 7
LOT 8
LOT 9
LOT 11
LOT 12
LOT 15
LOT 16
LOT 25
LOT 26
SECTION 16
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 7
LOT 8
LOT 13
SECTION 17
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
LOT 5
SECTION 18
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 5
LOT 6
SECTION 20
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

LOT 6
LOT 7
LOT 8
SECTION 21
TOWNSHIP 46 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NW ¼
LOT 12
LOT 18
LOT 19
LOT 20
SECTION 4
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

SW ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8

LOT 9
LOT 10
LOT 11
SECTION 5
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9

SECTION 6
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 19
LOT 20

SECTION 7
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3
SECTION 8
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
LOT 11
LOT 12
LOT 18
SECTION 9
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
LOT 6
LOT 8
LOT 10
SECTION 16
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

NW ¼ NE ¼
SW ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
LOT 5

LOT 6
LOT 7
LOT 8
SECTION 17
TOWNSHIP 46 NORTH, RANGE 5 EAST, M.D.M.

LOT 6
SECTION 3
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 5
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
LOT 4
LOT 8
SECTION 6
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

LOT 4
LOT 5
LOT 6
LOT 7
SECTION 7
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 8
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 5
SECTION 11
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 2
LOT 3
LOT 7
LOT 9
SECTION 12
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 13
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 14
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 17
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 18
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼

SE ¼ SE ¼
LOT 1
LOT 3
LOT 4
SECTION 19
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 20
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 23
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼

NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 24
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 25
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 29
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
SECTION 30
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 31
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 32
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 33
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 34
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 35
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 36
TOWNSHIP 47 NORTH, RANGE 4 EAST, M.D.M.

LOT 17
SECTION 7
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 17
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

SE ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3
LOT 4
LOT 9
LOT 10
LOT 11
SECTION 18
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼

SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3
LOT 4
SECTION 19
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

SW ¼ NE ¼
SE ¼ NE ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 4
LOT 5
SECTION 20
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 29
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1
LOT 2
LOT 3
LOT 4
SECTION 30
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
LOT 1

LOT 2
LOT 3
LOT 4
SECTION 31
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 32
TOWNSHIP 47 NORTH, RANGE 5 EAST, M.D.M.

CONCLUSION

10. The claim is approved to the extent described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

KBA_APP_135995

APPENDIX A

KBA_APP_135996

warranted by atypical yet legitimate delivery methods or other irrigation practices, or if the use is made by means of delivery that involves no artificial diversion of water (e.g. natural overflow).

Natural Irrigation

In cases wherein the Adjudicator recommends approval of claims for irrigation uses which occur with no artificial diversion of water ("natural irrigation"), the Adjudicator recommends approval for the rate and duty actually *beneficially* used, and period during which actual beneficial use occurred. Practically applied, this means that in cases of natural irrigation, the Adjudicator recommends approval of claims for the standard rate and duty, and for the period of use claimed, unless the preponderance of evidence indicates that the use has not occurred, or has occurred in a different manner than that which was claimed.

In cases wherein the claimant failed to indicate their period of use for natural irrigation, the Adjudicator recommends denial of the claimed use.

Livestock Watering

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for livestock, he recommends approval for the full rate and season described below.

Standard rate for non-dairy livestock: twelve gallons per day per head

Standard rate for dairy livestock: 35 gallons per day per head

Livestock season: January 1 - December 31 of each year

In cases wherein the claimant did not indicate the type of livestock, the Adjudicator has interpreted these to mean non-dairy livestock.

Domestic Use

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for domestic use, he recommends approval for the full rate and season described below.

Standard rate: one-hundredth of one cubic foot per second per home

Standard season: January 1 - December 31

Uses Other Than Irrigation, Livestock Watering, and Domestic Use

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for uses other than irrigation, livestock watering, and domestic use, the Adjudicator recommends approval of the claim for the lesser of two amounts: the claimed amount, or the maximum amount of water that can be delivered by the claimant's delivery system. The period of use recommended for approval by the Adjudicator for these uses is January 1 - December 31.

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INDEX

Last Name	First Name	Other Name	Claim	Section	Type
		Poe Valley Improvement District	321-324	II	PRE-1909
		Redding Foundation	7	II	PRE-1909
		River Springs Ranch Co	131	I	WALTON
		Scherl Family Trust	54	I	WALTON
		Shasta View Irrigation District	321-324	II	PRE-1909
		Sunnyside Irrigation District	321-324	II	PRE-1909
		The Klamath Tribes	612	VI	TRIBES
		The Klamath Tribes	613	VI	TRIBES
		The Klamath Tribes	614	VI	TRIBES
		The Klamath Tribes	615	VI	TRIBES
		The Klamath Tribes	616	VI	TRIBES
		The Morgana Hunter Loving Trust	125	III	ALLOTTEE
		The Nature Conservancy	34	I	WALTON
		Tule Smoke Inc	210	II	PRE-1909
		Tulelake Irrigation District	321-324	II	PRE-1909
		United States Bureau of Indian Affairs	617	V	US BIA
		United States Bureau of Indian Affairs	618	V	US BIA
		United States Bureau of Indian Affairs	619	V	US BIA
		United States Bureau of Indian Affairs	620	V	US BIA
		United States Bureau of Indian Affairs	621	V	US BIA
		United States Bureau of Indian Affairs	622	V	US BIA
		United States Bureau of Indian Affairs	623	V	US BIA
		United States Bureau of Indian Affairs	624	V	US BIA
		United States Bureau of Indian Affairs	625	V	US BIA
		United States Bureau of Indian Affairs	626	V	US BIA
		United States Bureau of Indian Affairs	627	V	US BIA
		United States Bureau of Indian Affairs	628	V	US BIA
		United States Bureau of Indian Affairs	629	V	US BIA
		United States Bureau of Indian Affairs	630	V	US BIA

Last Name	First Name	Other Name	Claim	Section	Type
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		United States Bureau of Indian Affairs	633	V	US BIA
		United States Bureau of Indian Affairs	634	V	US BIA
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		United States Bureau of Indian Affairs	657	V	US BIA
		United States Bureau of Indian Affairs	658	V	US BIA
		United States Bureau of Indian Affairs	659	V	US BIA

Last Name	First Name	Other Name	Claim	Section	Type
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		United States Bureau of Indian Affairs	672	V	US BIA
		United States Bureau of Indian Affairs	673	V	US BIA
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		United States Bureau of Land Management	326	VII B	US BLM
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		United States Bureau of Land Management	328	VII B	US BLM
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Last Name	First Name	Other Name	Claim	Section	Type
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		United States Bureau of Land Management	368	VII B	US BLM

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		United States Bureau of Land Management	376	VII B	US BLM
		United States Bureau of Reclamation	293	IV	US BOR
		United States Bureau of Reclamation	294	IV	US BOR
		United States Bureau of Reclamation	295	IV	US BOR
		United States Bureau of Reclamation	296	IV	US BOR
		United States Bureau of Reclamation	297	IV	US BOR
		United States Bureau of Reclamation	298	IV	US BOR
		United States Bureau of Reclamation	299	IV	US BOR
		United States Fish and Wildlife Service	3	I	WALTON
		United States Fish and Wildlife Service	300	VII D	US FWS
		United States Fish and Wildlife Service	301	VII D	US FWS
		United States Fish and Wildlife Service	302	VII D	US FWS
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		United States Forest Service	548	VII A	US FS
		United States Forest Service	549	VII A	US FS
		United States Forest Service	550	VII A	US FS
		United States Forest Service	551	VII A	US FS
		United States Forest Service	552	VII A	US FS
		United States Forest Service	553	VII A	US FS
		United States Forest Service	554	VII A	US FS
		United States Forest Service	555	VII A	US FS
		United States Forest Service	556	VII A	US FS
		United States Forest Service	557	VII A	US FS
		United States Forest Service	558	VII A	US FS
		United States Forest Service	559	VII A	US FS
		United States Forest Service	560	VII A	US FS
		United States Forest Service	561	VII A	US FS
		United States Forest Service	562	VII A	US FS
		United States Forest Service	563	VII A	US FS
		United States Forest Service	564	VII A	US FS
		United States Forest Service	565	VII A	US FS
		United States Forest Service	566	VII A	US FS
		United States Forest Service	567	VII A	US FS
		United States Forest Service	568	VII A	US FS
		United States Forest Service	569	VII A	US FS
		United States Forest Service	570	VII A	US FS
		United States Forest Service	571	VII A	US FS

Last Name	First Name	Other Name	Claim	Section	Type
		United States Forest Service	572	VII A	US FS
		United States Forest Service	573	VII A	US FS
		United States Forest Service	574	VII A	US FS
		United States Forest Service	575	VII A	US FS
		United States Forest Service	576	VII A	US FS
		United States Forest Service	577	VII A	US FS
		United States Forest Service	578	VII A	US FS
		United States Forest Service	579	VII A	US FS
		United States Forest Service	580	VII A	US FS
		United States Forest Service	581	VII A	US FS
		United States Forest Service	582	VII A	US FS
		United States Forest Service	583	VII A	US FS
		United States Forest Service	584	VII A	US FS
		United States Forest Service	585	VII A	US FS
		United States Forest Service	586	VII A	US FS
		United States Forest Service	587	VII A	US FS
		United States Forest Service	588	VII A	US FS
		United States Forest Service	589	VII A	US FS
		United States Forest Service	590	VII A	US FS
		United States Forest Service	709	VII A	US FS
		United States Forest Service	710	VII A	US FS
		United States Forest Service	711	VII A	US FS
		United States Forest Service	712	VII A	US FS
		United States Forest Service	713	VII A	US FS
		United States Forest Service	714	VII A	US FS
		United States Forest Service	715	VII A	US FS
		United States Forest Service	716	VII A	US FS
		United States Forest Service	717	VII A	US FS
		United States Forest Service	718	VII A	US FS

Last Name	First Name	Other Name	Claim	Section	Type
		United States Forest Service	719	VII A	US FS
		United States Forest Service	720	VII A	US FS
		United States Forest Service	721	VII A	US FS
		United States Forest Service	722	VII A	US FS
		United States Forest Service	723	VII A	US FS
		United States Forest Service	724	VII A	US FS
		United States Forest Service	725	VII A	US FS
		United States Forest Service	726	VII A	US FS
		United States Forest Service	727	VII A	US FS
		United States Forest Service	728	VII A	US FS
		United States National Park Service	591	VII C	US NPS
		United States National Park Service	592	VII C	US NPS
		United States National Park Service	593	VII C	US NPS
		United States National Park Service	594	VII C	US NPS
		United States National Park Service	595	VII C	US NPS
		United States National Park Service	596	VII C	US NPS
		United States National Park Service	597	VII C	US NPS
		United States National Park Service	598	VII C	US NPS
		United States National Park Service	599	VII C	US NPS
		United States National Park Service	600	VII C	US NPS
		United States National Park Service	601	VII C	US NPS
		United States National Park Service	602	VII C	US NPS
		United States National Park Service	603	VII C	US NPS
		United States National Park Service	604	VII C	US NPS
		United States National Park Service	605	VII C	US NPS
		United States National Park Service	606	VII C	US NPS
		United States National Park Service	607	VII C	US NPS
		United States National Park Service	608	VII C	US NPS
		United States National Park Service	609	VII C	US NPS

Last Name	First Name	Other Name	Claim	Section	Type
		United States National Park Service	610	VII C	US NPS
		United States National Park Service	611	VII C	US NPS
		Van Brimmer Ditch Company	321-324	II	PRE-1909
Allen	Steve	Arlene Allen	16	I	WALTON
Ambers	Cliff		28	I	WALTON
Anderson	Herman	Deborah	226	III	ALLOTTEE
Anderson	Herman	Deborah	227	III	ALLOTTEE
Anderson	Kenneth J	Jerry D Anderson	174	II	PRE-1909
Anderson	Norman Miller		228	III	ALLOTTEE
Anderson	Norman Miller		229	III	ALLOTTEE
Anderson	Norman Miller		677	III	ALLOTTEE
Anderson	Norman Miller		678	III	ALLOTTEE
Anderson	O.T.		230	III	ALLOTTEE
Anderson	O.T.		231	III	ALLOTTEE
Anderson	Rena		232	III	ALLOTTEE
Anderson	Ruth A		177	II	PRE-1909
Anderton	Andrew D		236	I	WALTON
Avgeris	Katina	c/o Steve Avgeris	196	II	PRE-1909
Baltazor	David A		145	II	PRE-1909
Barry	Jerry		215	II	PRE-1909
Barry	Jerry		216	II	PRE-1909
Barta	David	Lydia Barta	54	I	WALTON
Beck	Steven N		108	I	WALTON
Berg	Richard W		201	II	PRE-1909
Bettles	Gordon		233	III	ALLOTTEE
Bettles	Priscilla	Bettles Family of Oregon	680	III	ALLOTTEE
Boivin	Harry D	c/o Robert D Boivin, attorney	146	II	PRE-1909
Bradshaw	Lee		140	II	PRE-1909
Brandsness	William P		6	II	PRE-1909

Last Name	First Name	Other Name	Claim	Section	Type
Brandsness	William P		7	II	PRE-1909
Braren	Boyd P	Boyd P Braren Trust	9	I	WALTON
Brooks	Joseph E	Frances M Brooks	170	II	PRE-1909
Browder	Tamera	JELD-WEN Inc.	60	I	WALTON
Browder	Tamera	JELD-WEN Inc.	101	I	WALTON
Browder	Tamera	JELD-WEN Inc.	107	I	WALTON
Browder	Tamera	JELD-WEN Inc.	160	II	PRE-1909
Browder	Tamera	JELD-WEN; Inc.	77	I	WALTON
Browder	Tamera	JELD-WEN; Inc.	78	I	WALTON
Buchanan	Dorothy		68	I	WALTON
Buchanan	Dorothy	Glenda Buchanan, Robert Buchanan, Ruth Hagelstein	69	I	WALTON
Buchanan	Dorothy	Glenda and Robert Buchanan; Ruth and Lewis Hagelstein; C. Marie Suiter	136	II	PRE-1909
Buchanan	Glenda J		134	II	PRE-1909
Buchanan	Robert		135	II	PRE-1909
Buffington	Don	Winema Hunting Lodge	321-324	II	PRE-1909
Cabral	Lynne R	DG and Jean Richardson	109	I	WALTON
Cahoon	Craig	Debra Cahoon	99	I	WALTON
Caillouette	Conrad	Tamara Caillouette	150	II	PRE-1909
Calmes	Barney	Daisy Calmes	203	II	PRE-1909
Campbell	Gloria		110	I	WALTON
Case	Edward Lalo	Case, Cassie Lalo; Smith, Lavina Lalo	681	III	ALLOTTEE
Case	Edward Lalo	Cassie Lalo Case	235	III	ALLOTTEE
Chapman	James L		29	I	WALTON
Charley	Nancy		141	II	PRE-1909
Cline	Charles M		147	II	PRE-1909
Clyde	Katherine F		211	II	PRE-1909
Coker	Charles E		54	I	WALTON

Last Name	First Name	Other Name	Claim	Section	Type
Collins	S. E.	Ronald Collins; Tezea Collins	73	I	WALTON
Conforti	Albert		148	II	PRE-1909
Crim	Wilbur		238	III	ALLOTTEE
Crume	Diritha		276	III	ALLOTTEE
Cummings	Earle	Klamath Sprig and Honker Club Inc.	286	II	PRE-1909
Curtiss	Cameron A		132	II	PRE-1909
Curtiss	Cameron A		133	II	PRE-1909
DeHaven Skerjanec	Carol		41	I	WALTON
DeHaven Skerjanec	Carol		42	II	PRE-1909
DeHaven Skerjanec	Carol		43	II	PRE-1909
DeHaven Skerjanec	Carol		44	II	PRE-1909
DeHaven Skerjanec	Carol		45	I	WALTON
DeHaven Skerjanec	Carol		46	I	WALTON
DeHaven Skerjanec	Carol		47	II	PRE-1909
DeHaven Skerjanec	Carol		57	I	WALTON
DeHaven Skerjanec	Carol		61	I	WALTON
DeHaven Skerjanec	Carol		62	I	WALTON
DeHaven Skerjanec	Carol		63	I	WALTON
Dean	Donal		22	I	WALTON
Dexter	Sarah A	Alta M Vansickle; Lloyd D Vansickle	112	I	WALTON
Dillon	James	Debra Dillon	156	II	PRE-1909
Domes	William	Savanah Land Co.	20	I	WALTON
Dougan	George	Ruth Dougan	118	I	WALTON
Driscoll	Raymond J	Barbara A Driscoll	50	I	WALTON
Duarte	Richard		124	I	WALTON
Dunster	Wilford A		151	II	PRE-1909
Effman	Joy	Doris	240	III	ALLOTTEE
Eggsman	Cloverine		241	III	ALLOTTEE
Elliott	David C	Eloise J Elliott	152	II	PRE-1909

Last Name	First Name	Other Name	Claim	Section	Type
Ellis	James E	Karen L Ellis, Ellis Family Trust	54	I	WALTON
Emery	Bruce	Royal Crown Cattle Co.	8	I	WALTON
Estenson	Brooke Anne		180	II	PRE-1909
Evensizer	John	Barbara Evensizer	204	II	PRE-1909
Fairclo	David		77	I	WALTON
Fairclo	David		78	I	WALTON
Fairclo	Richard S		205	II	PRE-1909
Flink	Rich	Reames Golf and Country Club Inc	321-324	II	PRE-1909
Flowers	Robert	Flowers Bros Inc	205	II	PRE-1909
Flynn	Con J		120	I	WALTON
Flynn	Con J	Nora P Flynn; John C Flynn	121	I	WALTON
Forster	Horst		213	II	PRE-1909
Foster	Josie		237	III	ALLOTTEE
Francis	Hilda		70	III	ALLOTTEE
Francis	Jesse		242	I	WALTON
Francis	Richard		70	III	ALLOTTEE
Francis	Richard		239	III	ALLOTTEE
Frazier	Gary	Patricia Frazier	181	II	PRE-1909
Fujas	Richard	Elizabeth Fujas	212	II	PRE-1909
Fujishin	Lanny	Oregon Department of Fish & Wildlife	186	II	PRE-1909
Fujishin	Lanny	Oregon Department of Fish and Wildlife	287	II	PRE-1909
Fuqua	Harry E		54	I	WALTON
Furber	Lewis E		182	II	PRE-1909
Gallagher	Jim	Goose Bay Farms	81	I	WALTON
Gallagher	William L	Whiskey Creek Ranch	128	I	WALTON
Galloway	Alice M		154	II	PRE-1909
Ganong	William M		4	I	WALTON
Ganong	William M		11	I	WALTON
Ganong	William M		21	I	WALTON

Last Name	First Name	Other Name	Claim	Section	Type
Ganong	William M		32	I	WALTON
Ganong	William M		142	II	PRE-1909
Ganong	William M		203	II	PRE-1909
Ganong	William M		207	II	PRE-1909
Ganong	William M		210	II	PRE-1909
Garcia	Roberta		243	III	ALLOTTEE
Garrett	David T	Ann M Garrett	54	I	WALTON
Gentry	Maryetta		244	III	ALLOTTEE
Ghiassi	Massoud Mike	Beverly Ghiassi	155	II	PRE-1909
Giacomini	J Anthony		5	I	WALTON
Giacomini	J Anthony		708	I	WALTON
Goldman	Kristy	Charles, Edna, Chuck & Val Troutman; William Goldman	217	II	PRE-1909
Goold	Tillie L	Del Parks, Trustee; Tillie L Goold Trust	98	I	WALTON
Graham	Richard W		697	I	WALTON
Graves	Ronald N	J R Simplot Self-Declaration of Revocable Trust	35	II	PRE-1909
Greene	Donald V	Berniel Greene	17	I	WALTON
Griffith	David & Nora		194	II	PRE-1909
Griffith	David & Nora		292	II	PRE-1909
Griffith	David & Nora	Gary & Karen Griffith; Marjorie & Victor Divine	194	II	PRE-1909
Griffith	David & Nora	Gary & Karen Griffith; Marjorie & Victor Divine	292	II	PRE-1909
Grimes	Gary	Fort Creek Ranch	37	I	WALTON
Gruen	Kurt		51	I	WALTON
Guiley Sr	Maxwell P	Louise D Guiley	172	II	PRE-1909
Hall	Lawrence		246	III	ALLOTTEE
Hall	Lawrence		247	III	ALLOTTEE
Hall	Lawrence	Ann Hall	58	I	WALTON
Hall	Lawrence	Hall, Ann	38	I	WALTON
Hall	Lloyd Lee	Bonnie	248	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Hall	Lloyd Lee	Hall; Bonnie Kay	82	I	WALTON
Hall	Marilyn		249	III	ALLOTTEE
Harrington	Snake		245	III	ALLOTTEE
Harris	Earl M		76	I	WALTON
Harris	Greg L		76	I	WALTON
Hart	Gary	Lost River Land & Cattle Co.	178	II	PRE-1909
Hart	Richard K		173	II	PRE-1909
Hatcher	Errol		250	III	ALLOTTEE
Hatcher	Kathleen		251	III	ALLOTTEE
Havird	Cary	Marlys Havird	71	I	WALTON
Hawkins	Jerry	Jack Owens Ranches	59	I	WALTON
Hawkins	Jerry	Owens and Hawkins	64	I	WALTON
Henderson	Thomas A	Yvonne Henderson	54	I	WALTON
Henzel	David P.		288	II	PRE-1909
Hess	Stephen	Hess, Melissa	686	III	ALLOTTEE
Hess	Stephen	Hess, Melissa	687	III	ALLOTTEE
Hess	Stephen	Melissa	252	III	ALLOTTEE
Hess	Stephen	Melissa	253	III	ALLOTTEE
Hess	Steven L		158	II	PRE-1909
Hicks	James	Hildegard	255	III	ALLOTTEE
Hicks	Leroy		256	III	ALLOTTEE
Hicks	Leroy		257	III	ALLOTTEE
Hicks	Leroy		258	III	ALLOTTEE
Hobbs	Ray	Alice	259	III	ALLOTTEE
Holm	Donald R	Patricia Holm	52	II	PRE-1909
House	Jess		159	II	PRE-1909
Hufford	Ken	Leslie Hufford	10	I	WALTON
Huntley	Travis	Collins Products LLC	290	II	PRE-1909
Huntley	Travis	Plevna District Improvement Co.	289	II	PRE-1909

Last Name	First Name	Other Name	Claim	Section	Type
Hyde	Dayton O	Gerda V Hyde	33	I	WALTON
Iverson	Lawrence	Marjorie Iverson	1	II	PRE-1909
Jackson	Doug	Cell Tech	48	I	WALTON
Jackson	Leroy		260	III	ALLOTTEE
James	Winifred Joy		175	II	PRE-1909
Jimenez	Ramon	Peggy	261	III	ALLOTTEE
Joe	Bernice		254	III	ALLOTTEE
Johnson	Leta Mae		100	I	WALTON
Johnson	Robert	JELD-WEN, Inc.	144	II	PRE-1909
Kaplun	Yeugeny	Luba Kaplun	54	I	WALTON
Kellstrom	Scott C		149	II	PRE-1909
Kenneally	Patrick J	Pauline Mary Kenneally; Christine Margaret Kenneally	39	I	WALTON
Kenyon	Linda		179	II	PRE-1909
Kern	Pierre A		129	I	WALTON
Kern	Pierre A	River Springs Ranch Co	130	I	WALTON
Kerns	Earl	Shirley Kerns	291	II	PRE-1909
Kirk	Ernestine S.		262	III	ALLOTTEE
Kirk	Ernestine S.		265	III	ALLOTTEE
Kirk	Frieda		266	III	ALLOTTEE
Kirk	Jess Jr.		267	III	ALLOTTEE
Kirk	Jess Jr.		693	III	ALLOTTEE
Kirk	Lititia		83	III	ALLOTTEE
Kirk	Vina		268	III	ALLOTTEE
Kirk	Vina		269	III	ALLOTTEE
Kirk	Vina		270	III	ALLOTTEE
Kirk	Vina		271	III	ALLOTTEE
Kirk	Vina		272	III	ALLOTTEE
Kirk	Vina	Kirk, Orin	698	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Klus	Allan	Irene Klus	697	I	WALTON
Knight	Kenneth		273	III	ALLOTTEE
Kollman	Daryl	Marta Kollman	157	II	PRE-1909
Kollman	Daryl J	Marta C Kollman	143	II	PRE-1909
Kronenberger	John		103	I	WALTON
Kronenberger	John		123	I	WALTON
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	164	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	165	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	166	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	167	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	168	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	218	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	219	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	220	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	221	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	222	II	PRE-1909
Landolt	Randy	Pacificorp; dba Pacific Power and Light Co.	223	II	PRE-1909
Lawless	Donald	Marlene and Lewis Lawless	97	I	WALTON
Lawrence	Steven		13	I	WALTON
LeSueur	Herbert C	Mary-Louise LeSueur	162	II	PRE-1909
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	226	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	227	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	228	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	229	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	230	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	231	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	232	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	233	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	235	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	238	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	240	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	241	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	242	I	WALTON
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	243	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	244	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	246	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	247	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	248	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	249	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	250	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	251	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	252	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	253	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	255	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	256	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	257	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	258	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	259	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	260	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	261	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	262	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	264	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	265	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	266	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	267	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	268	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	269	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	270	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	271	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	272	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	273	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	276	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	277	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	278	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	279	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	280	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	281	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	282	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	283	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	675	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	676	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	679	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	682	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	683	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	684	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	685	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	688	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	689	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	690	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	691	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	692	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	694	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	695	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	696	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	699	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	700	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	701	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	702	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	705	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	706	III	ALLOTTEE
Leahy	Christopher B	Fredericks, Pelcyger, Hester, & White, LLC	707	III	ALLOTTEE
Lilly	John	Edna Lilly	284	II	PRE-1909
Lilly	John	Edna Lilly	285	II	PRE-1909
Lindbloom	TJ	Tim Cummins; dba Conifer Timber	274	I	WALTON
Lindsay	Roland	Lindsay Lumber Company	138	II	PRE-1909
Little	Loren	Modoc Point Irrigation District	84	I	WALTON
Littlejohn	T.C.	Sue Littlejohn; Trustees, Littlejohn Living Trust	234	I	WALTON
Lombard	Kip		67	I	WALTON
Luscombe	Brad		321-324	II	PRE-1909
Macdonald	Catherine	The Nature Conservancy	36	II	PRE-1909
Marenco	Alvin R	Peggy A Marenco	27	I	WALTON
Marenco	Alvin R	Peggy A Marenco	30	I	WALTON
Martin	Duane		114	I	WALTON
Martin	Richard	Nancy Martin	213	II	PRE-1909
Martin	Ted T	Velma B Martin	195	II	PRE-1909
Mather	Dale	Suzi Mather	94	I	WALTON
Mathis	Charlotte M	Mathis Family Trust	5	I	WALTON
Mathis	Charlotte M	Mathis Family Trust	708	I	WALTON
Matney	C A	Ada R Matney	126	I	WALTON
Matney	C A	Ada R Matney	127	I	WALTON
McAuliffe	Ambrose	Susan McAuliffe	40	II	PRE-1909
McKee	Florence		277	III	ALLOTTEE
McKelvey	Thomas E	Sallie McKelvey	54	I	WALTON
Melluish	Kevin	Hickey Ranches Inc	113	I	WALTON
Miller	Elwood	Rachel Miller	275	I	WALTON
Miller	James		139	II	PRE-1909

Last Name	First Name	Other Name	Claim	Section	Type
Moates	Allan		193	II	PRE-1909
Moates	Harold & Maria	Trustees, Pentail Company	193	II	PRE-1909
Monteith	Hazel		278	III	ALLOTTEE
Moon	David		81	I	WALTON
Moon	David C		49	I	WALTON
Moon	David C		55	I	WALTON
Moruss	H Deborah		54	I	WALTON
Mosby	John M	Marilyn Mosby	18	I	WALTON
Mosby	John M	Marilyn Mosby	198	II	PRE-1909
Mostow	Peter	Stoel Rives	53	I	WALTON
Mostow	Peter	Stoel Rives LLP	264	III	ALLOTTEE
Mueller	James Robert		137	II	PRE-1909
Murray	Rodney		131	I	WALTON
Murray	Rodney N		79	I	WALTON
Murray	Rodney N		105	I	WALTON
Napier	Steven	Fred Zumbrum	66	I	WALTON
Nelson	Allen K.		279	III	ALLOTTEE
Nicholson	Richard		42	II	PRE-1909
Nicholson	Roger		43	II	PRE-1909
Nicholson	Roger		44	II	PRE-1909
Nicholson	Roger		63	I	WALTON
Nicholson	Roger	Dorothy Nicholson Trust	57	I	WALTON
Nicholson	Roger	Lloyd Nicholson Trust Dorothy Nicholson Trust	41	I	WALTON
Nicholson	Roger	Richard Nicholson	61	I	WALTON
Nicholson	Roger	Richard Nicholson	62	I	WALTON
Nicholson	Roger	Richard Nicholson and Dorothy Nicholson Trust	45	I	WALTON
Nicholson	Roger	Richard Nicholson and Dorothy Nicholson Trust	46	I	WALTON
Nicholson	Roger	Roger Nicholson Cattle Co	47	II	PRE-1909
Nigh	Shirley M		72	I	WALTON

Last Name	First Name	Other Name	Claim	Section	Type
Norton	Wesley	Cynthia Norton	213	II	PRE-1909
O Brien	Daniel W		211	II	PRE-1909
O'Leary	Daniel	Davis Wright Tremain	23	II	PRE-1909
Oatman	Jeanene M		163	II	PRE-1909
Odell	Dennis E	Phyllis C Odell	54	I	WALTON
Olson	Larry		131	I	WALTON
Orem	Gary		321-324	II	PRE-1909
Owen	Brent		6	II	PRE-1909
Page	Gerald	Louise	264	III	ALLOTTEE
Page	Gerald	Louise	280	III	ALLOTTEE
Page	Gerald A	Page, Louise L	65	III	ALLOTTEE
Pappas	Sharon L		184	II	PRE-1909
Passien	Renold R	Elsie E Passien	187	II	PRE-1909
Peacore	Larry E	Carolyn F Peacore	206	II	PRE-1909
Pedranti	George R	Sharon Pedranti	54	I	WALTON
Pelletier	Joan		180	II	PRE-1909
Pernoll M D	Martin Lester		25	I	WALTON
Petersen	David	Teresa Rennick	88	I	WALTON
Pocock	T Keith		208	II	PRE-1909
Pocock	T Keith		209	II	PRE-1909
Poteet	Raymond K		85	I	WALTON
Powell	John W	Barbara J Powell	188	II	PRE-1909
Pritchard	Berlva		321-324	II	PRE-1909
Puckett	Jessie L		189	II	PRE-1909
Puckett	Leona Bell		190	II	PRE-1909
Puckett	Richard Edward		191	II	PRE-1909
Rabe	Clifford C	Mary A Rabe	95	I	WALTON
Ray	Karen	William	281	III	ALLOTTEE
Ray	Karen	William	282	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Ray	William		83	III	ALLOTTEE
Re	Daniel C	Hurley, Lynch & Re	90	I	WALTON
Re	Daniel C	Hurley, Lynch & Re	93	I	WALTON
Reis	James P	Beryl Reis	86	I	WALTON
Reyes	Mary Nan		283	III	ALLOTTEE
Reyes	Mary Nan		675	III	ALLOTTEE
Reyes	Mary Nan		676	III	ALLOTTEE
Reyes	Mary Nan		679	III	ALLOTTEE
Reynolds	Michael J.	Pamela A. Traina	153	II	PRE-1909
Ridenour	Nancy		682	III	ALLOTTEE
Root	James	Valerie Root	53	I	WALTON
Root	James	Valerie Root	264	III	ALLOTTEE
Ross	James	Marilyn Ross; Winston and Louise Patterson	224	II	PRE-1909
Rowlett	Donald E		171	II	PRE-1909
Royse	R Raymond		14	I	WALTON
Royse	R Raymond		15	I	WALTON
Royse	Raymond		684	III	ALLOTTEE
Rudd	Mike	Brandsness, Brandsness & Rudd	131	I	WALTON
Runels	Scott	Margie Runels	19	I	WALTON
Runels	Scott	Margie Runels	674	I	WALTON
Sabin	Jennie		685	III	ALLOTTEE
Sabin	Jennie		688	III	ALLOTTEE
Sallee	Milburn	Jeanette Sallee	87	I	WALTON
Saxon	Cecil		26	I	WALTON
Schelhaas	James	Helen Schelhaas	2	II	PRE-1909
Schrodi	David J	Joan B Schrodi	54	I	WALTON
Seput	Walter		74	I	WALTON
Severin	James M		80	I	WALTON
Shaffer	William G	Maureen Shaffer	54	I	WALTON

Last Name	First Name	Other Name	Claim	Section	Type
Shaw	Thomas J		4	I	WALTON
Shaw	Thomas J		11	I	WALTON
Shaw	Thomas J		32	I	WALTON
Shaw	Thomas J	Modoc Lumber Company	321-324	II	PRE-1909
Sheppard	Mary	Marilyn	689	III	ALLOTTEE
Sheppard	Mary	Marilyn	690	III	ALLOTTEE
Shoulderblade	Gladys		691	III	ALLOTTEE
Simmers	Harold W		176	II	PRE-1909
Simonsen	Bernard L	Rocking AC Ranch	202	II	PRE-1909
Sisson	Anna Mae		89	I	WALTON
Skeen	Stern	Betty Skeen	96	III	ALLOTTEE
Smith	Aaron		694	III	ALLOTTEE
Smith	Aaron		695	III	ALLOTTEE
Smith	Aaron		696	III	ALLOTTEE
Smith	Dell	Velda Smith; Lorraine Smith	692	III	ALLOTTEE
Smith	Lula M		115	I	WALTON
Smith	Robert H.		115	I	WALTON
St. Clair	Frank	Carol St. Clair	111	II	PRE-1909
Stearns	Ralph		321-324	II	PRE-1909
Stern	Mark	The Nature Conservancy of Oregon	91	I	WALTON
Stevenson	Hugh D		116	I	WALTON
Stott	Benjamin		197	II	PRE-1909
Swiatkowski	Richard J	Joan Swiatkowski	54	I	WALTON
Taniguchi	Yoshitaka K	Keiko Taniguchi	54	I	WALTON
Taylor	Cecilia	Richard Taylor	199	II	PRE-1909
Taylor	Claude		124	I	WALTON
Tecumseh	Angeline Riddle		683	III	ALLOTTEE
Thomas	Kurt C	Melinda A Thomas	67	I	WALTON
Thompson	Gilbert L	Jean C Thompson	54	I	WALTON

Last Name	First Name	Other Name	Claim	Section	Type
Toko	Ilona	S S Bar Ranch	225	II	PRE-1909
Tomkins	Edward & Merrie	T/S Ranch	21	I	WALTON
Topham	Bruce S		117	I	WALTON
Tucker	Sandy	Karen Tucker	205	II	PRE-1909
Tunno	Mark		263	I	WALTON
Tupper	Phil		699	III	ALLOTTEE
Tupper	Phil		703	I	WALTON
Tupper	Phil		704	I	WALTON
Tuttle	Kenneth L	Karen L Tuttle	49	I	WALTON
Tuttle	Kenneth L	Karen L Tuttle	55	I	WALTON
Ullman	Bud		83	III	ALLOTTEE
Unive	Ramon L.		700	III	ALLOTTEE
Vidricksen	Sydney E	Russel Gmirkin; Tom (Vasia) Gmirkin	183	II	PRE-1909
Vincent	Donald	Phyllis Vincent	321-324	II	PRE-1909
Wagner	Donald	Betty Wagner	192	II	PRE-1909
Wagstaff	Terrel		169	II	PRE-1909
Walker	Marvin Dean		102	I	WALTON
Walker	Phyllis Mae	Dale	701	III	ALLOTTEE
Walker	Phyllis Mae	Walker, Dale	92	III	ALLOTTEE
Walt	Kathleen D	Jennifer J Walt	200	II	PRE-1909
Walthall	Randy	Inter-County Title Company	321-324	II	PRE-1909
Wampler	Robert M		56	I	WALTON
Warren	Daniel	Mary Lezotte	54	I	WALTON
Watkins	Wallace	G Bar W Land & Cattle co	12	I	WALTON
Webb	Gordon A	Karen R Webb	75	I	WALTON
Weiser	Irwin		705	III	ALLOTTEE
Wilson	Marlin		702	III	ALLOTTEE
Wilson	Paul		706	III	ALLOTTEE
Wright	Harold B.		707	III	ALLOTTEE

Last Name	First Name	Other Name	Claim	Section	Type
Yadon	Myron E		104	I	WALTON
Young	Gregory		106	I	WALTON
Young	John	Rosemary Young	106	I	WALTON
Young	June L		214	II	PRE-1909