

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 377

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 377) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2070 to the Preliminary Evaluation of Claim 377.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 49 to the Claim and/or Preliminary Evaluation of Claim 377.
5. On May 1, 2000, Leonard Baio timely filed Contest 283 to the Claim and/or Preliminary Evaluation of Claim 377.
6. On May 2, 2000, Gary Strong timely filed Contest 518 to the Claim and/or Preliminary Evaluation of Claim 377.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 751 to the Claim and/or Preliminary Evaluation of Claim 377.
8. On May 2, 2000, Robert Bartell timely filed Contest 988 to the Claim and/or Preliminary Evaluation of Claim 377.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1223 to the Claim and/or Preliminary Evaluation of Claim 377.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1457 to the Claim and/or Preliminary Evaluation of Claim 377.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1806 to the Claim and/or Preliminary Evaluation of Claim 377.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2258 to the Claim and/or Preliminary Evaluation of Claim 377.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2494 to the Claim and/or Preliminary Evaluation of Claim 377.
14. On May 8, 2000, John Briggs timely filed Contest 4246 to the Claim and/or Preliminary Evaluation of Claim 377.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4480 to the Claim and/or Preliminary Evaluation of Claim 377.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4713 to the Claim and/or Preliminary Evaluation of Claim 377.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4954 to the Claim and/or Preliminary Evaluation of Claim 377.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5189 to the Claim and/or Preliminary Evaluation of Claim 377.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5422 to the Claim and/or Preliminary Evaluation of Claim 377.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3668: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3668. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 377 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from .5654 cfs as originally claimed, to .4928 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2070, the remaining contest to Claim 377. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 377 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of April 24, 1906 is based on a Presidential Proclamation of April 24, 1906, and (2) the reservation date of March 2, 1907 is based on a Presidential

¹ Berlva Pritchard voluntarily withdrew from Contest 3668 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3668 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

Proclamation of March 2, 1907. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 377 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 377

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-401-0107 THROUGH 97-401-0110 (A1);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND
FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

0.0224 CUBIC FEET PER SECOND (CFS) FROM EACH POINT OF DIVERSION, NOT TO
EXCEED A TOTAL OF 0.4928 CFS

THE SOURCES OF WATER, DATES OF PRIORITY, AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Point of Diversion Location				
All Tributary to the Klamath River			Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name						
48W	Abbot Creek	April 24, 1906	40 S	1 E	WM	19	NE SE
20W	Little Ivy Creek	April 24, 1906	40 S	1 E	WM	20	SE SE
25W	Mill Creek	April 24, 1906	40 S	1 E	WM	27	SE SE
49W	Costello Creek	April 24, 1906	40 S	1 E	WM	29	NW NW
21W	Mouse Creek	April 24, 1906	40 S	1 E	WM	29	SE NE
19W	West Fork Grouse Creek	April 24, 1906	40 S	1 E	WM	31	NW NE
13W	West Branch	March 2, 1907	40 S	1 W	WM	35	SW NE
17W	Long John Creek	March 2, 1907	41 S	1 W	WM	1	NE SW
16W	Drip Creek	March 2, 1907	41 S	1 W	WM	1	SE NW
15W	Long John Creek	March 2, 1907	41 S	1 W	WM	1	SW NE
18W	Little Joel Creek	March 2, 1907	41 S	1 W	WM	12	NW NE
11W	Cow Creek	March 2, 1907	41 S	1 W	WM	11	NE NW
47W	King Creek	March 2, 1907	41 S	1 W	WM	15	NW SE
12W	West Branch Long John Creek	March 2, 1907	41 S	1 W	WM	2	SW SE
10W	Red Mountain Creek	March 2, 1907	41 S	1 W	WM	3	NE NW
46W	Slow Creek	March 2, 1907	41 S	1 W	WM	3	SE NW
9W	Red Mountain Creek	March 2, 1907	41 S	1 W	WM	3	SE NW
4W	Cow Creek	March 2, 1907	41 S	1 W	WM	4	SE SW
1W	Cow Creek	March 2, 1907	41 S	1 W	WM	8	NW NW
2W	Cottage Glade	March 2, 1907	41 S	1 W	WM	8	SW SE
3W	Cottage Glade	March 2, 1907	41 S	1 W	WM	9	NW SW
45W	Cow Creek	March 2, 1907	41 S	2 W	WM	13	NE NW

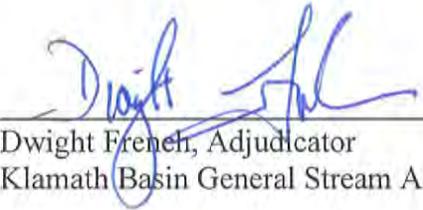
THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
48W	Abbot Creek	40 S	1 E	WM	19	NE SE
20W	Little Ivy Creek	40 S	1 E	WM	20	SE SE
25W	Mill Creek	40 S	1 E	WM	27	SE SE
49W	Costello Creek	40 S	1 E	WM	29	NW NW
21W	Mouse Creek	40 S	1 E	WM	29	SE NE

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
19W	West Fork Grouse Creek	40 S	1 E	WM	31	NW NE
13W	West Branch	40 S	1 W	WM	35	SW NE
17W	Long John Creek	41 S	1 W	WM	1	NE SW
16W	Drip Creek	41 S	1 W	WM	1	SE NW
15W	Long John Creek	41 S	1 W	WM	1	SW NE
18W	Little Joel Creek	41 S	1 W	WM	12	NW NE
11W	Cow Creek	41 S	1 W	WM	11	NE NW
47W	King Creek	41 S	1 W	WM	15	NW SE
12W	West Branch Long John Creek	41 S	1 W	WM	2	SW SE
10W	Red Mountain Creek	41 S	1 W	WM	3	NE NW
46W	Slow Creek	41 S	1 W	WM	3	SE NW
9W	Red Mountain Creek	41 S	1 W	WM	3	SE NW
4W	Cow Creek	41 S	1 W	WM	4	SE SW
1W	Cow Creek	41 S	1 W	WM	8	NW NW
2W	Cottage Glade	41 S	1 W	WM	8	SW SE
3W	Cottage Glade	41 S	1 W	WM	9	NW SW
45W	Cow Creek	41 S	2 W	WM	13	NE NW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 378

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 378) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2071 to the Preliminary Evaluation of Claim 378.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 50 to the Claim and/or Preliminary Evaluation of Claim 378.
5. On May 1, 2000, Leonard Baio timely filed Contest 284 to the Claim and/or Preliminary Evaluation of Claim 378.
6. On May 2, 2000, Gary Strong timely filed Contest 519 to the Claim and/or Preliminary Evaluation of Claim 378.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 752 to the Claim and/or Preliminary Evaluation of Claim 378.
8. On May 2, 2000, Robert Bartell timely filed Contest 989 to the Claim and/or Preliminary Evaluation of Claim 378.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1224 to the Claim and/or Preliminary Evaluation of Claim 378.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1458 to the Claim and/or Preliminary Evaluation of Claim 378.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1807 to the Claim and/or Preliminary Evaluation of Claim 378.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2259 to the Claim and/or Preliminary Evaluation of Claim 378.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2495 to the Claim and/or Preliminary Evaluation of Claim 378.
14. On May 8, 2000, John Briggs timely filed Contest 4247 to the Claim and/or Preliminary Evaluation of Claim 378.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4481 to the Claim and/or Preliminary Evaluation of Claim 378.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4714 to the Claim and/or Preliminary Evaluation of Claim 378.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4955 to the Claim and/or Preliminary Evaluation of Claim 378.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5190 to the Claim and/or Preliminary Evaluation of Claim 378.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5423 to the Claim and/or Preliminary Evaluation of Claim 378.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3669: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3669. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 378 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 14.953 cfs as originally claimed, to 13.766 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2071, the remaining contest to Claim 378. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 378 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains four reservation dates as follows: (1) the reservation date of September 17, 1906 is based on the Presidential Proclamation of September 17, 1906, (2) the reservation date of May 14, 1930 is based on the Act of May 14, 1930, P.L. No. 214, 46 Stat.278 (1930), (3) the reservation date of April 15,

¹ Berlva Pritchard voluntarily withdrew from Contest 3669 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3669 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961), and (4) the reservation date of November 15, 1974 is based on a Declaration of Taking, November 15, 1974, Civil No. 74-894, U.S. District Court of Oregon. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 378 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 378

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-402-0146 through 97-402-0156 (A2);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION; AND

ADMINISTRATIVE USE ONLY FOR: Johnson Meadow Spring (USFS-ID1003).

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 13.766 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Williamson River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1323	Cat Sunk Pond	May 14, 1930	0.223	2.2	26 S	9 E	WM	23	SE NE
1046	West Fork Jack Creek Binwall	May 14, 1930	1.114	11.0	26 S	9 E	WM	33	NW NW
1321	Crooked Meadow Binwall	May 14, 1930	0.557	5.5	26 S	10 E	WM	19	LOT 1 (NE NW)
1319	Pumice Puddle	May 14, 1930	0.223	2.2	26 S	10 E	WM	30	SE NE
1002	Johnson Meadow Stock Tank	May 14, 1930	0.223	2.2	27 S	9 E	WM	1	SE NE
1003	Johnson Meadow Spring	May 14, 1930	0.06	n/a	27 S	9 E	WM	1	SW NE
1316	Jack Creek Div	May 14, 1930	0.223	2.2	27 S	9 E	WM	2	SW SE
1356	Jack Creek	Sept. 17, 1906	1.114	11.0	27 S	10 E	WM	19	NE SE
1355	Helen's Hot Spot	Sept. 17, 1906	1.114	11.0	27 S	10 E	WM	20	SW NW
1352	South Davis Flat	Sept. 17, 1906	1.114	11.0	27 S	10 E	WM	32	SE SE
1325	Clearly Pond	May 14, 1930	0.223	2.2	28 S	10 E	WM	2	SW SE
1324	Bartley HQ Pond	May 14, 1930	0.557	5.5	28 S	10 E	WM	14	NW NE
1346	Bullfrog Spring	May 14, 1930	0.557	5.5	28 S	10 E	WM	15	SE NE
1345	Lily Camp Binwall	May 14, 1930	0.557	5.5	28 S	10 E	WM	23	NW SW
1361	Deer Scaffold Spring	April 15, 1961	0.223	2.2	29 S	10 E	WM	22	SE NE
1358	Marvelous Meadow	April 15, 1961	0.223	2.2	29 S	10 E	WM	27	NE NE
1334	Knight Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	2	SE SW
1537	Jackson Creek CG	April 15, 1961	0.223	2.2	30 S	11 E	WM	7	NW SE
1338	Lower Jackson Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	7	SE NE
1339	Hoyt Ranch	April 15, 1961	0.557	5.5	30 S	11 E	WM	7	SW SE
1337	Middle Jackson Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	8	SW NE
1335	North Jackson Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	14	NW NE
1336	North Jackson Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	14	SW NE
1351	Lower Irving Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	19	SE SW
1332	Lower Modoc Creek	April 15, 1961	0.557	5.5	30 S	11 E	WM	30	NE SW
1333	Upper Modoc Creek	April 15, 1961	0.223	2.2	30 S	11 E	WM	34	NE NW
1075	Deep Creek	April 15, 1961	0.557	5.5	31 S	11 E	WM	29	NW SE

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Williamson River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1083	CLVRT Telephone Draw	Nov. 15, 1974	0.223	2.2	32 S	10 E	WM	15	NW SW
1022	Wildhorse Spring	Nov. 15, 1974	0.223	2.2	33 S	10 E	WM	25	SE NE
1025	Head of the River Spring	April 15, 1961	1.114	11.0	33 S	11 E	WM	9	NE NW
1068	Yamsay Reservoir	April 15, 1961	0.223	2.2	33 S	11 E	WM	14	NE NE
1065	Bottle Spring Reservoir	April 15, 1961	0.223	2.2	33 S	11 E	WM	24	SE NE

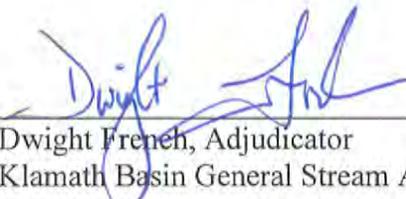
THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1323	Cat Sunk Pond	26 S	9 E	WM	23	SE NE
1046	West Fork Jack Creek Binwall	26 S	9 E	WM	33	NW NW
1321	Crooked Meadow Binwall	26 S	10 E	WM	19	LOT 1 (NE NW)
1319	Pumice Puddle	26 S	10 E	WM	30	SE NE
1002	Johnson Meadow Stock Tank	27 S	9 E	WM	1	SE NE
1003	Johnson Meadow Spring	27 S	9 E	WM	1	SW NE
1316	Jack Creek Div	27 S	9 E	WM	2	SW SE
1356	Jack Creek	27 S	10 E	WM	19	NE SE
1355	Helen's Hot Spot	27 S	10 E	WM	20	SW NW
1352	South Davis Flat	27 S	10 E	WM	32	SE SE
1325	Clearly Pond	28 S	10 E	WM	2	SW SE
1324	Bartley HQ Pond	28 S	10 E	WM	14	NW NE
1346	Bullfrog Spring	28 S	10 E	WM	15	SE NE
1345	Lily Camp Binwall	28 S	10 E	WM	23	NW SW
1361	Deer Scaffold Spring	29 S	10 E	WM	22	SE NE
1358	Marvelous Meadow	29 S	10 E	WM	27	NE NE
1334	Knight Creek	30 S	11 E	WM	2	SE SW
1537	Jackson Creek CG	30 S	11 E	WM	7	NW SE
1338	Lower Jackson Creek	30 S	11 E	WM	7	SE NE
1339	Hoyt Ranch	30 S	11 E	WM	7	SW SE
1337	Middle Jackson Creek	30 S	11 E	WM	8	SW NE
1335	North Jackson Creek	30 S	11 E	WM	14	NW NE
1336	North Jackson Creek	30 S	11 E	WM	14	SW NE
1351	Lower Irving Creek	30 S	11 E	WM	19	SE SW

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1332	Lower Modoc Creek	30 S	11 E	WM	30	NE SW
1333	Upper Modoc Creek	30 S	11 E	WM	34	NE NW
1075	Deep Creek	31 S	11 E	WM	29	NW SE
1083	CLVRT Telephone Draw	32 S	10 E	WM	15	NW SW
1022	Wildhorse Spring	33 S	10 E	WM	25	SE NE
1025	Head of the River Spring	33 S	11 E	WM	9	NE NW
1068	Yamsay Reservoir	33 S	11 E	WM	14	NE NE
1065	Bottle Spring Reservoir	33 S	11 E	WM	24	SE NE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
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)	Water Right Claim 379

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 379) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2072 to the Preliminary Evaluation of Claim 379.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 51 to the Claim and/or Preliminary Evaluation of Claim 379.
5. On May 1, 2000, Leonard Baio timely filed Contest 285 to the Claim and/or Preliminary Evaluation of Claim 379.
6. On May 2, 2000, Gary Strong timely filed Contest 520 to the Claim and/or Preliminary Evaluation of Claim 379.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 753 to the Claim and/or Preliminary Evaluation of Claim 379.
8. On May 2, 2000, Robert Bartell timely filed Contest 990 to the Claim and/or Preliminary Evaluation of Claim 379.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1225 to the Claim and/or Preliminary Evaluation of Claim 379.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1459 to the Claim and/or Preliminary Evaluation of Claim 379.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1808 to the Claim and/or Preliminary Evaluation of Claim 379.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2260 to the Claim and/or Preliminary Evaluation of Claim 379.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2496 to the Claim and/or Preliminary Evaluation of Claim 379.
14. On May 8, 2000, John Briggs timely filed Contest 4248 to the Claim and/or Preliminary Evaluation of Claim 379.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4482 to the Claim and/or Preliminary Evaluation of Claim 379.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4715 to the Claim and/or Preliminary Evaluation of Claim 379.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4956 to the Claim and/or Preliminary Evaluation of Claim 379.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5191 to the Claim and/or Preliminary Evaluation of Claim 379.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5424 to the Claim and/or Preliminary Evaluation of Claim 379.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3670: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don

¹ Berlva Pritchard voluntarily withdrew from Contest 3670 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3670. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 379 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 20.798 cfs as originally claimed, to 20.34 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2072, the remaining contest to Claim 379. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 379 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains four reservation dates as follows: (1) the reservation date of June 4, 1897 is based on Presidential Proclamation of September 28, 1893, No 6, 28 Stat. 1240 and the Organic Administration Act of June 4, 1897, 16 U.S.C. §§ 473-475, 477-482 and 551, (2) the reservation date of September 17, 1906 is based on the Presidential Proclamation of September 17, 1906, (3) the reservation date of January 25, 1907 is based on a Presidential Proclamation of January 25, 1907, and (4) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

² Don Vincent voluntarily withdrew from Contest 3670 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.
PARTIAL ORDER OF DETERMINATION

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 379 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 379

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-403-0162 THROUGH 97-403-0178 (A3);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION; AND

ADMINISTRATIVE USE ONLY FOR: John Cole Spring (USFS-ID1062).

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 20.34 CUBIC FEET
PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Williamson River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1350	Head of Deer Creek	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	6	NW NW
1307	Fork of Deer Creek	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	10	NE NW
1314	Deer Creek Road 1	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	14	NE NW
1288	Frost Pond	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	21	NW SW
1312	Red Cone Spring	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	22	NW NE
1313	Deer Creek Road 2	Jan. 25, 1907	0.223	2.2	27 S	7 E	WM	24	NW NE
1287	Lower Swiss Spring	Jan. 25, 1907	1.114	11	27 S	7 E	WM	27	SW NW
1357	Dempsey Spring Reservoir	Sept. 17, 1906	1.114	11	27 S	9 E	WM	23	SE SE
1289	Miller Creek	June 4, 1897	0.557	5.5	27 S	6.5 E	WM	13	LOT 4 (NE SE)
1290	Miller Lake	June 4, 1897	0.557	5.5	27 S	6.5 E	WM	14	NE NW
1295	Cottonwood Creek	June 4, 1897	1.114	11	28 S	6 E	WM	26	NE NW
1309	Tiny Creek	June 4, 1897	0.557	5.5	28 S	6 E	WM	33	NE NE
1331	Lost Creek Spring Culvert	Jan. 25, 1907	1.114	11	28 S	8 E	WM	13	SE SE
1330	Alberta Camp	Jan. 25, 1907	0.223	2.2	28 S	8 E	WM	24	NW SE
1349	Little Round Meadow	Sept. 17, 1906	1.114	11	28 S	9 E	WM	1	SE NE
1329	Bootleg Spring	Sept. 17, 1906	0.557	5.5	28 S	9 E	WM	3	SW SE
1328	Coyote Spring	Sept. 17, 1906	0.223	2.2	28 S	9 E	WM	9	NE SW
1449	Shoestring Spring	Sept. 17, 1906	0.557	5.5	28 S	9 E	WM	32	NW NW
1042	Round Butte Pond	Sept. 17, 1906	0.223	2.2	29 S	9 E	WM	5	SW NE
1038	Log Spring	Sept. 17, 1906	0.223	2.2	29 S	9 E	WM	6	SW NE
1039	Narrow Creek	April 15, 1961	0.557	5.5	29 S	9 E	WM	10	NW SE
1034	Middle Lane Creek	April 15, 1961	0.223	2.2	29 S	9 E	WM	11	NW NW
1035	Lower Lane Creek	April 15, 1961	0.223	2.2	29 S	9 E	WM	11	NE SW
1031	Lower God Creek	April 15, 1961	0.223	2.2	29 S	9 E	WM	13	SW NW
1032	Upper God Creek	April 15, 1961	0.223	2.2	29 S	9 E	WM	13	SE NE
1033	Pond	April 15, 1961	0.223	2.2	29 S	9 E	WM	13	NE NW
1030	Lower Mosquito Creek	April 15, 1961	0.223	2.2	29 S	9 E	WM	24	NW SE
1028	Sheep Spring Ponds	April 15, 1961	0.223	2.2	29 S	10 E	WM	7	LOT 1 (NW NW)
1360	Bedpan Spring	April 15, 1961	0.223	2.2	29 S	10 E	WM	32	SW NW
1305	Bear Creek	June 4, 1897	0.223	2.2	30 S	6 E	WM	11	SE SW
1302	Pothole Creek Div 7	June 4, 1897	0.223	2.2	30 S	6 E	WM	25	SE SE

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Williamson River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1303	Pothole Creek Div 6	June 4, 1897	0.223	2.2	30 S	6 E	WM	25	SW SE
1304	Pothole Creek Div 5	June 4, 1897	0.223	2.2	30 S	6 E	WM	26	NE SE
1293	Lower Bear Creek II	Jan. 25, 1907	1.114	11	30 S	7 E	WM	6	NW NW
1301	Pothole	April 15, 1961	0.223	2.2	30 S	7 E	WM	27	SW SW
1007	Ora Summers Pond	April 15, 1961	0.557	5.5	30 S	9 E	WM	36	NE SE
1008	Blue Jay Too	April 15, 1961	1.114	11	30 S	10 E	WM	33	NW SE
1020	Blue Jay Spring	April 15, 1961	0.557	5.5	30 S	10 E	WM	33	NW NE
1362	Scott Creek Camp	Jan. 25, 1907	0.223	2.2	31 S	7 E	WM	18	NW SE
1005	Skellock Draw	April 15, 1961	0.557	5.5	31 S	9 E	WM	13	NW SE
1306	Skellock Draw Pond	April 15, 1961	0.223	2.2	31 S	9 E	WM	15	SW NE
1062	John Cole Spring	April 15, 1961	0.06	n/a	31 S	9 E	WM	33	NW SE
1006	Skellock Creek	April 15, 1961	0.557	5.5	31 S	10 E	WM	9	SE NW
1089	Meadow Creek	April 15, 1961	0.557	5.5	31 S	10 E	WM	21	SE SE
1363	Upper Scott Creek	Jan. 25, 1907	0.223	2.2	31 S	7.5 E	WM	10	SE NW
1058	Yoss Creek	April 15, 1961	0.557	5.5	32 S	9 E	WM	9	SW NE

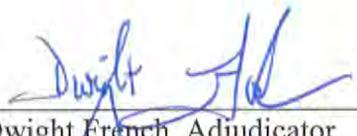
THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1350	Head of Deer Creek	27 S	7 E	WM	6	NW NW
1307	Fork of Deer Creek	27 S	7 E	WM	10	NE NW
1314	Deer Creek Road 1	27 S	7 E	WM	14	NE NW
1288	Frost Pond	27 S	7 E	WM	21	NW SW
1312	Red Cone Spring	27 S	7 E	WM	22	NW NE
1313	Deer Creek Road 2	27 S	7 E	WM	24	NW NE
1287	Lower Swiss Spring	27 S	7 E	WM	27	SW NW
1357	Dempsey Spring Reservoir	27 S	9 E	WM	23	SE SE
1289	Miller Creek	27 S	6.5 E	WM	13	LOT 4 (NE SE)
1290	Miller Lake	27 S	6.5 E	WM	14	NE NW
1295	Cottonwood Creek	28 S	6 E	WM	26	NE NW
1309	Tiny Creek	28 S	6 E	WM	33	NE NE
1331	Lost Creek Spring Culvert	28 S	8 E	WM	13	SE SE
1330	Alberta Camp	28 S	8 E	WM	24	NW SE
1349	Little Round Meadow	28 S	9 E	WM	1	SE NE
1329	Bootleg Spring	28 S	9 E	WM	3	SW SE
1328	Coyote Spring	28 S	9 E	WM	9	NE SW

USFS-ID	Name	Twtp	Rng	Mer	Sec	Q-Q
1449	Shoestring Spring	28 S	9 E	WM	32	NW NW
1042	Round Butte Pond	29 S	9 E	WM	5	SW NE
1038	Log Spring	29 S	9 E	WM	6	SW NE
1039	Narrow Creek	29 S	9 E	WM	10	NW SE
1034	Middle Lane Creek	29 S	9 E	WM	11	NW NW
1035	Lower Lane Creek	29 S	9 E	WM	11	NE SW
1031	Lower God Creek	29 S	9 E	WM	13	SW NW
1032	Upper God Creek	29 S	9 E	WM	13	SE NE
1033	Pond	29 S	9 E	WM	13	NE NW
1030	Lower Mosquito Creek	29 S	9 E	WM	24	NW SE
1028	Sheep Spring Ponds	29 S	10 E	WM	7	LOT 1 (NW NW)
1360	Bedpan Spring	29 S	10 E	WM	32	SW NW
1305	Bear Creek	30 S	6 E	WM	11	SE SW
1302	Pothole Creek Div 7	30 S	6 E	WM	25	SE SE
1303	Pothole Creek Div 6	30 S	6 E	WM	25	SW SE
1304	Pothole Creek Div 5	30 S	6 E	WM	26	NE SE
1293	Lower Bear Creek II	30 S	7 E	WM	6	NW NW
1301	Pothole	30 S	7 E	WM	27	SW SW
1007	Ora Summers Pond	30 S	9 E	WM	36	NE SE
1008	Blue Jay Too	30 S	10 E	WM	33	NW SE
1020	Blue Jay Spring	30 S	10 E	WM	33	NW NE
1362	Scott Creek Camp	31 S	7 E	WM	18	NW SE
1005	Skellock Draw	31 S	9 E	WM	13	NW SE
1306	Skellock Draw Pond	31 S	9 E	WM	15	SW NE
1062	John Cole Spring	31 S	9 E	WM	33	NW SE
1006	Skellock Creek	31 S	10 E	WM	9	SE NW
1089	Meadow Creek	31 S	10 E	WM	21	SE SE
1363	Upper Scott Creek	31 S	7.5 E	WM	10	SE NW
1058	Yoss Creek	32 S	9 E	WM	9	SW NE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 380

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 380) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2073 to the Preliminary Evaluation of Claim 380.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 52 to the Claim and/or Preliminary Evaluation of Claim 380.
5. On May 1, 2000, Leonard Baio timely filed Contest 286 to the Claim and/or Preliminary Evaluation of Claim 380.
6. On May 2, 2000, Gary Strong timely filed Contest 521 to the Claim and/or Preliminary Evaluation of Claim 380.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 754 to the Claim and/or Preliminary Evaluation of Claim 380.

8. On May 2, 2000, Robert Bartell timely filed Contest 991 to the Claim and/or Preliminary Evaluation of Claim 380.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1226 to the Claim and/or Preliminary Evaluation of Claim 380.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1460 to the Claim and/or Preliminary Evaluation of Claim 380.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1809 to the Claim and/or Preliminary Evaluation of Claim 380.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2261 to the Claim and/or Preliminary Evaluation of Claim 380.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2497 to the Claim and/or Preliminary Evaluation of Claim 380.
14. On May 8, 2000, John Briggs timely filed Contest 4249 to the Claim and/or Preliminary Evaluation of Claim 380.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4483 to the Claim and/or Preliminary Evaluation of Claim 380.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4716 to the Claim and/or Preliminary Evaluation of Claim 380.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4957 to the Claim and/or Preliminary Evaluation of Claim 380.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5192 to the Claim and/or Preliminary Evaluation of Claim 380.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5425 to the Claim and/or Preliminary Evaluation of Claim 380.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3671: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don

¹ Berlva Pritchard voluntarily withdrew from Contest 3671 on June 24, 2002. See NOTICE OF WITHDRAWAL OF CLAIMANT.

Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3671. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 380 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 4.697 cfs as originally claimed, to 4.568 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2073, the remaining contest to Claim 380. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 21, 2003 the USFS submitted a second amendment for Claim 380 to correct a scrivener's error in the attachment for Claim 380. The maximum acre-feet per year was incorrectly listed for Whitehouse Spring (USFS ID 1448) as "n/a" and is corrected to read 5.5 acre-feet.
27. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
28. The place of use underlying Claim 380 is within a federal reservation of land that is owned by the Claimant.
29. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to

² Don Vincent voluntarily withdrew from Contest 3671 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

Certain Lands. . .” April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961), and (2) the reservation date of November 15, 1974 is based on a Declaration of Taking, November 15, 1974, Civil No. 74-894, U.S. District Court of Oregon. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

30. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, and March 11, 2003, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 380 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 380

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-404-0106 THROUGH 97-404-0112 (A4);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION.

PERIOD OF ALLOWED USE:

MARCH 1 THROUGH NOVEMBER 30; AND

APRIL 1 THROUGH NOVEMBER 1 ONLY FOR: Hog Creek - USFS ID 1016

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 4.586 CUBIC FEET
PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

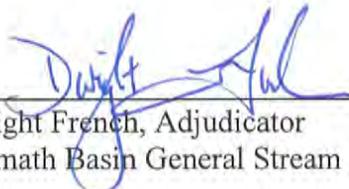
Source		Priority Date	Quantity of Water		Point of Diversion Location				
USFS-ID	Name		CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
All Tributary to the Williamson River									
1299	Boundary Butte Springs	Nov. 15, 1974	0.223	2.2	32 S	7 E	WM	17	NE SE
1298	Egan Spring	Nov. 15, 1974	0.223	2.2	32 S	7 E	WM	21	NW NE
1054	Unnamed Pond	April 15, 1961	0.557	5.5	32 S	8 E	WM	24	NE SE
1055	Dice Crane Spring	April 15, 1961	0.557	5.5	32 S	8 E	WM	24	NW SE
1016	Hog Creek	April 15, 1961	0.557	5.5	32 S	8 E	WM	27	SW NW
1059	Spring	April 15, 1961	0.557	5.5	32 S	9 E	WM	8	SE NW
1056	Recovery Spring	April 15, 1961	0.557	5.5	32 S	9 E	WM	17	NW SE
1448	Whitehouse Spring	April 15, 1961	0.557	5.5	32 S	9 E	WM	31	SE NE
1264	Williamson River	Nov. 15, 1974	0.557	5.5	33 S	7 E	WM	35	SW SE
1177	Applegate Reservoir	Nov. 15, 1974	0.223	2.2	33 S	9 E	WM	18	SW NE

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1299	Boundary Butte Springs	32 S	7 E	WM	17	NE SE
1298	Egan Spring	32 S	7 E	WM	21	NW NE
1054	Unnamed Pond	32 S	8 E	WM	24	NE SE
1055	Dice Crane Spring	32 S	8 E	WM	24	NW SE
1016	Hog Creek	32 S	8 E	WM	27	SW NW
1059	Spring	32 S	9 E	WM	8	SE NW
1056	Recovery Spring	32 S	9 E	WM	17	NW SE
1448	Whitehouse Spring	32 S	9 E	WM	31	SE NE
1264	Williamson River	33 S	7 E	WM	35	SW SE
1177	Applegate Reservoir	33 S	9 E	WM	18	SW NE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 381

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 381) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 381 and/or Preliminary Evaluation of Claim 381.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 381 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 381 by the USFS, IT IS ORDERED that Claim 381 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
	)	Water Right Claim 382
)	

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 382) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act and the portion of the claim under statute 73 P. L. 161, 48 Stat. 590 were approved; the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2075 to the Preliminary Evaluation of Claim 382.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 54 to the Claim and/or Preliminary Evaluation of Claim 382.
5. On May 1, 2000, Leonard Baio timely filed Contest 288 to the Claim and/or Preliminary Evaluation of Claim 382.
6. On May 2, 2000, Gary Strong timely filed Contest 523 to the Claim and/or Preliminary Evaluation of Claim 382.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 756 to the Claim and/or Preliminary Evaluation of Claim 382.
8. On May 2, 2000, Robert Bartell timely filed Contest 993 to the Claim and/or Preliminary Evaluation of Claim 382.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1228 to the Claim and/or Preliminary Evaluation of Claim 382.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1462 to the Claim and/or Preliminary Evaluation of Claim 382.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1811 to the Claim and/or Preliminary Evaluation of Claim 382.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2263 to the Claim and/or Preliminary Evaluation of Claim 382.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2499 to the Claim and/or Preliminary Evaluation of Claim 382.
14. On May 8, 2000, John Briggs timely filed Contest 4251 to the Claim and/or Preliminary Evaluation of Claim 382.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4485 to the Claim and/or Preliminary Evaluation of Claim 382.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4718 to the Claim and/or Preliminary Evaluation of Claim 382.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4959 to the Claim and/or Preliminary Evaluation of Claim 382.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5194 to the Claim and/or Preliminary Evaluation of Claim 382.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5427 to the Claim and/or Preliminary Evaluation of Claim 382.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3673: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3673. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 382 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 7.031 cfs as originally claimed, to 5.643 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2075, the remaining contest to Claim 382. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 382 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains three reservation dates as follows: (1) the reservation date of August 21, 1906 is based on the Presidential Proclamation of August 21, 1906, (2) the reservation date of September 17, 1906 is based on the Presidential Proclamation of September 17, 1906, and (3) the reservation date of October

¹ Berlva Pritchard voluntarily withdrew from Contest 3673 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3673 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

14, 1935 is based on Presidential Proclamation No. 2143, October 14, 1935. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897. The October 14, 1935 reservation is based on Presidential Proclamation No. 2143, October 14, 1935. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 382 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 382

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-406-0060 THROUGH 97-406-0067 (A6);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; FIRE SUPPRESSION; AND

LIVESTOCK WATERING ONLY FOR: Sycan River (USFS ID 31.1); AND

ADMINISTRATIVE USE ONLY FOR: Skull Creek Workcamp (USFS-ID 247.3).

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 5.643 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

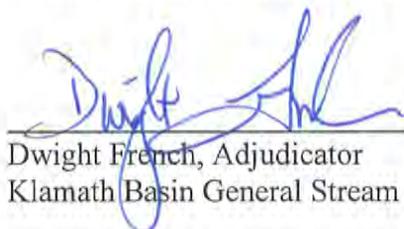
Source		Priority Date	Quantity of Water		Place of Use Location				
All Tributary to the Sycan River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
31.1	Sycan River	Sept 14, 1935	0.014	n/a	32 S	14 E	WM	22	NW SW
36	Louse Lake	Sept. 17, 1906	0.223	2.2	32 S	14 E	WM	26	SW SW
83	T-Spring	Sept. 17, 1906	0.223	2.2	32 S	15 E	WM	31	SE NE
217	Long Creek	Sept. 17, 1906	0.223	2.2	32 S	16 E	WM	31	SE SE
104	Unnamed Drainage	Sept. 17, 1906	0.223	2.2	32 S	16 E	WM	33	NW NW
197	Pikes Crossing	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	22	NE NW
199	Paradise Creek	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	22	NE SE
200	Skull Creek	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	24	NE SE
201	Paradise Creek	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	25	SW NW
202	Crazy Creek	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	26	SE NW
204	Crazy Creek	Sept. 17, 1906	0.223	2.2	33 S	15 E	WM	34	NE NE
222	Currier Spring	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	3	SW SW
228	Long Creek	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	6	SW SE
830	Rock Pit	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	14	NW SW
189	Currier Creek	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	18	NW NW
237	Rock Creek	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	21	NE SW
240	Unnamed Pond	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	22	SW NE
244	Sycan River	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	27	SW SW
245	Sycan River	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	28	SW NE
247	Skull Creek Workcamp	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	30	NE SW
247.3	Skull Creek Workcamp	Sept. 17, 1906	0.5	n/a	33 S	16 E	WM	30	NE SW
251	Sycan River	Sept. 17, 1906	0.223	2.2	33 S	16 E	WM	35	NE SW
242	Boulder Spring	Sept. 17, 1906	0.223	2.2	33 S	17 E	WM	30	LOT 3 (NW SW)
211	Crazy Creek	Aug. 21, 1906	0.223	2.2	34 S	15 E	WM	10	SE NW
215	Watson Creek	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	7	NE SW

THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
31.1	Sycan River	32 S	14 E	WM	22	NW SW
36	Louse Lake	32 S	14 E	WM	26	SW SW
83	T-Spring	32 S	15 E	WM	31	SE NE
217	Long Creek	32 S	16 E	WM	31	SE SE
104	Unnamed Drainage	32 S	16 E	WM	33	NW NW
197	Pikes Crossing	33 S	15 E	WM	22	NE NW
199	Paradise Creek	33 S	15 E	WM	22	NE SE
200	Skull Creek	33 S	15 E	WM	24	NE SE
201	Paradise Creek	33 S	15 E	WM	25	SW NW
202	Crazy Creek	33 S	15 E	WM	26	SE NW
204	Crazy Creek	33 S	15 E	WM	34	NE NE
222	Currier Spring	33 S	16 E	WM	3	SW SW
228	Long Creek	33 S	16 E	WM	6	SW SE
830	Rock Pit	33 S	16 E	WM	14	NW SW
189	Currier Creek	33 S	16 E	WM	18	NW NW
237	Rock Creek	33 S	16 E	WM	21	NE SW
240	Unnamed Pond	33 S	16 E	WM	22	SW NE
244	Sycan River	33 S	16 E	WM	27	SW SW
245	Sycan River	33 S	16 E	WM	28	SW NE
247	Skull Creek Workcamp	33 S	16 E	WM	30	NE SW
247.3	Skull Creek Workcamp	33 S	16 E	WM	30	NE SW
251	Sycan River	33 S	16 E	WM	35	NE SW
242	Boulder Spring	33 S	17 E	WM	30	LOT 3 (NW SW)
211	Crazy Creek	34 S	15 E	WM	10	SE NW
215	Watson Creek	34 S	16 E	WM	7	NE SW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 383

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 383) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act, and the portion of the claim under statute 73 P. L. 161, 48 Stat. 590 were approved; the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2076 to the Preliminary Evaluation of Claim 383.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 55 to the Claim and/or Preliminary Evaluation of Claim 383.
5. On May 1, 2000, Leonard Baio timely filed Contest 289 to the Claim and/or Preliminary Evaluation of Claim 383.

6. On May 2, 2000, Gary Strong timely filed Contest 524 to the Claim and/or Preliminary Evaluation of Claim 383.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 757 to the Claim and/or Preliminary Evaluation of Claim 383.
8. On May 2, 2000, Robert Bartell timely filed Contest 994 to the Claim and/or Preliminary Evaluation of Claim 383.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1229 to the Claim and/or Preliminary Evaluation of Claim 383.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1463 to the Claim and/or Preliminary Evaluation of Claim 383.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1812 to the Claim and/or Preliminary Evaluation of Claim 383.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2264 to the Claim and/or Preliminary Evaluation of Claim 383.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2500 to the Claim and/or Preliminary Evaluation of Claim 383.
14. On May 8, 2000, John Briggs timely filed Contest 4252 to the Claim and/or Preliminary Evaluation of Claim 383.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4486 to the Claim and/or Preliminary Evaluation of Claim 383.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4719 to the Claim and/or Preliminary Evaluation of Claim 383.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4960 to the Claim and/or Preliminary Evaluation of Claim 383.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5195 to the Claim and/or Preliminary Evaluation of Claim 383.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5428 to the Claim and/or Preliminary Evaluation of Claim 383.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3674: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley

Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3674. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 383 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 5.462 cfs as originally claimed, to 1.774 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2076, the remaining contest to Claim 383. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 383 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains three reservation dates as follows: (1) the reservation date of September 17, 1906 is based on the Presidential Proclamation of September 17, 1906, (2) the reservation date of October 14, 1935 is based on Presidential Proclamation No. 2143, October 14, 1935, and (3) the reservation date of

¹ Berlva Pritchard voluntarily withdrew from Contest 3674 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3674 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and the statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 are incorporated as if set forth fully herein. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 383 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 383

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-407-0111 THROUGH 97-407-0119 (A7);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

LIVESTOCK WATERING; AND

THE USES OF ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION FROM FIRE, ONLY FOR:

- Unnamed Pond - USFS ID 21
- Tool Box Spring - USFS ID 53
- Kipple Lake - USFS ID 172
- Sycan Wooden Bridge - USFS ID 1222; AND

FIRE SUPPRESSION ONLY FOR:

- Unnamed Pond - USFS ID 21
- Tool Box Spring - USFS ID 53
- Kipple Lake - USFS ID 172
- Sycan Wooden Bridge - USFS ID 1222.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 1.774 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Sycan River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
21	Unnamed Pond	Oct. 14, 1935	0.557	5.5	31 S	14 E	WM	19	SW NW
24.1	Unnamed Pond	Oct. 14, 1935	0.108	n/a	31 S	14 E	WM	35	NE SE
45.1	Unnamed Pond	Oct. 14, 1935	0.108	n/a	31 S	15 E	WM	35	NE SE
28.1	Unnamed Pond	Oct. 14, 1935	0.108	n/a	32 S	14 E	WM	11	SW SW
29.1	Sycan Stockyard 1	Oct. 14, 1935	0.014	n/a	32 S	14 E	WM	14	SE NW
30.1	Sycan Stockyard 2	Oct. 14, 1935	0.014	n/a	32 S	14 E	WM	14	SE NW
639.1	Sycan Stockpond 88	Oct. 14, 1935	0.014	n/a	32 S	14 E	WM	14	SE NE
640.1	Sycan Stockpond 87	Oct. 14, 1935	0.014	n/a	32 S	14 E	WM	15	SE NE
37.1	Riverbed Stockpond 27	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	27	SW NW
38.1	Riverbed Stockpond 28	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	28	SE NW
644.1	Sycan Stockpond 86	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	29	SW SW
39.1	Riverbed Stockpond 21	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	31	NE SW
645.1	Sycan Stockpond 85	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	33	NE SE
646.1	Sycan Stockpond 84	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	33	SW SE
145.1	Riverbed Stockpond 11	Oct. 14, 1935	0.007	n/a	32 S	14 E	WM	34	SW SW

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Sycan River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
53	Tool Box Spring	Sept. 17, 1906	0.223	2.2	32 S	15 E	WM	2	SE NW
59.1	Unnamed Reservoir	Oct. 14, 1935	0.014	n/a	32 S	15 E	WM	9	NE SE
822.1	Unnamed Stockpond	Oct. 14, 1935	0.014	n/a	32 S	15 E	WM	9	NW SE
647.1	Sycan Stockpond 92	Oct. 14, 1935	0.014	n/a	32 S	15 E	WM	10	NW SW
818.1	Unnamed Stockpond	Oct. 14, 1935	0.014	n/a	32 S	16 E	WM	7	SE SE
148.1	Riverbed Stockpond 9	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	3	SE SW
147.1	Riverbed Stockpond 10	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	3	SW NW
149.1	Riverbed Stockpond 12	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	4	LOT 3 (NW NE)
636.1	Unnamed Stream	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	4	NW SW
150.1	Shade Creek Pond	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	4	SW NW
151.1	Riverbed Stockpond 13	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	5	NE SE
153.1	Riverbed Stockpond 20	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	6	LOT 4 (SW NW)
154.1	Riverbed Stockpond 18	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	6	NW SE
152.1	Riverbed Stockpond 19	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	6	SW NE
172	Kipple Lake	Sept. 17, 1906	0.223	n/a	33 S	14 E	WM	26	NE NE
1222	Sycan Wooden Bridge	April 15, 1961	0.223	2.2	33 S	13 E	WM	10	NE SW

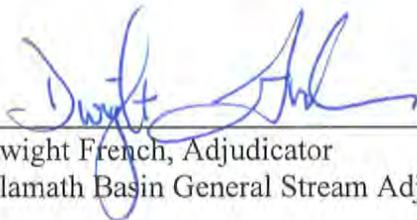
THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
21	Unnamed Pond	31 S	14 E	WM	19	SW NW
24.1	Unnamed Pond	31 S	14 E	WM	35	NE SE
45.1	Unnamed Pond	31 S	15 E	WM	35	NE SE
28.1	Unnamed Pond	32 S	14 E	WM	11	SW SW
29.1	Sycan Stockyard 1	32 S	14 E	WM	14	SE NW
30.1	Sycan Stockyard 2	32 S	14 E	WM	14	SE NW
639.1	Sycan Stockpond 88	32 S	14 E	WM	14	SE NE
640.1	Sycan Stockpond 87	32 S	14 E	WM	15	SE NE
37.1	Riverbed Stockpond 27	32 S	14 E	WM	27	SW NW
38.1	Riverbed Stockpond 28	32 S	14 E	WM	28	SE NW
644.1	Sycan Stockpond 86	32 S	14 E	WM	29	SW SW
39.1	Riverbed Stockpond 21	32 S	14 E	WM	31	NE SW
645.1	Sycan Stockpond 85	32 S	14 E	WM	33	NE SE
646.1	Sycan Stockpond 84	32 S	14 E	WM	33	SW SE

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
145.1	Riverbed Stockpond 11	32 S	14 E	WM	34	SW SW
53	Tool Box Spring	32 S	15 E	WM	2	SE NW
59.1	Unnamed Reservoir	32 S	15 E	WM	9	NE SE
822.1	Unnamed Stockpond	32 S	15 E	WM	9	NW SE
647.1	Sycan Stockpond 92	32 S	15 E	WM	10	NW SW
818.1	Unnamed Stockpond	32 S	16 E	WM	7	SE SE
148.1	Riverbed Stockpond 9	33 S	14 E	WM	3	SE SW
147.1	Riverbed Stockpond 10	33 S	14 E	WM	3	SW NW
149.1	Riverbed Stockpond 12	33 S	14 E	WM	4	LOT 3 (NW NE)
636.1	Unnamed Stream	33 S	14 E	WM	4	NW SW
150.1	Shade Creek Pond	33 S	14 E	WM	4	SW NW
151.1	Riverbed Stockpond 13	33 S	14 E	WM	5	NE SE
153.1	Riverbed Stockpond 20	33 S	14 E	WM	6	LOT 4 (SW NW)
154.1	Riverbed Stockpond 18	33 S	14 E	WM	6	NW SE
152.1	Riverbed Stockpond 19	33 S	14 E	WM	6	SW NE
172	Kipple Lake	33 S	14 E	WM	26	NE NE
1222	Sycan Wooden Bridge	33 S	13 E	WM	10	NE SW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 384

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 384) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim, the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2077 to the Preliminary Evaluation of Claim 384.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 56 to the Claim and/or Preliminary Evaluation of Claim 384.
5. On May 1, 2000, Leonard Baio timely filed Contest 290 to the Claim and/or Preliminary Evaluation of Claim 384.
6. On May 2, 2000, Gary Strong timely filed Contest 525 to the Claim and/or Preliminary Evaluation of Claim 384.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 758 to the Claim and/or Preliminary Evaluation of Claim 384.

8. On May 2, 2000, Robert Bartell timely filed Contest 995 to the Claim and/or Preliminary Evaluation of Claim 384.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1230 to the Claim and/or Preliminary Evaluation of Claim 384.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1464 to the Claim and/or Preliminary Evaluation of Claim 384.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1813 to the Claim and/or Preliminary Evaluation of Claim 384.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2265 to the Claim and/or Preliminary Evaluation of Claim 384.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2501 to the Claim and/or Preliminary Evaluation of Claim 384.
14. On May 8, 2000, John Briggs timely filed Contest 4253 to the Claim and/or Preliminary Evaluation of Claim 384.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4487 to the Claim and/or Preliminary Evaluation of Claim 384.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4720 to the Claim and/or Preliminary Evaluation of Claim 384.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4961 to the Claim and/or Preliminary Evaluation of Claim 384.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5196 to the Claim and/or Preliminary Evaluation of Claim 384.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5429 to the Claim and/or Preliminary Evaluation of Claim 384.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3675: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don

¹ Berlva Pritchard voluntarily withdrew from Contest 3675 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3675. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 384 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 7.641 cfs as originally claimed, to 5.588 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2077, the remaining contest to Claim 384. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 384 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains three reservation dates as follows: (1) the reservation date of September 17, 1906 is based on the Presidential Proclamation of September 17, 1906, (2) the reservation date of October 14, 1935 is based on Presidential Proclamation No. 2143, October 14, 1935, and (3) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

² Don Vincent voluntarily withdrew from Contest 3675 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 are incorporated as if set forth fully herein. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 384 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 384

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-408-0095 THROUGH 97-408-0102 (A8);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION; AND

LIVESTOCK USE ONLY FOR:

Riverbed Stockpond 16 - USFS ID 165.1
Riverbed Stockpond 17 - USFS ID 166.1.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 5.588 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Sycan River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
108	Sycan Pond	April 15, 1961	0.223	2.2	33 S	12 E	WM	34	SW NW
127	Sycan River 1	April 15, 1961	0.223	2.2	33 S	13 E	WM	16	SE NW
131	Merritt Creek	April 15, 1961	0.223	2.2	33 S	13 E	WM	26	SW SW
133	Merritt Creek	April 15, 1961	0.223	2.2	33 S	13 E	WM	34	NE NE
166.1	Riverbed Stockpond 17	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	18	LOT 2 (SW NW)
165.1	Riverbed Stockpond 16	Oct. 14, 1935	0.007	n/a	33 S	14 E	WM	18	SE SW
177	Dicks Well Spring	Sept. 17, 1906	0.223	2.2	33 S	14 E	WM	32	NE NW
114	INT Spring	April 15, 1961	0.223	2.2	34 S	12 E	WM	2	NW SE
117	Godowa Rock Pit	April 15, 1961	0.223	2.2	34 S	12 E	WM	4	NE SW
261	Sycan River	April 15, 1961	0.557	5.5	34 S	12 E	WM	19	NW NW
279	Pelland Spring Pond	April 15, 1961	0.223	2.2	34 S	12 E	WM	24	NE NW
268	Blue Creek	April 15, 1961	0.223	2.2	34 S	12 E	WM	28	SE NW
135	Watkins Spring	April 15, 1961	0.223	2.2	34 S	13 E	WM	2	NE NE
142	Thicket Spring	April 15, 1961	0.223	2.2	34 S	13 E	WM	9	SW SE
280	Electric Pond	April 15, 1961	0.223	2.2	34 S	13 E	WM	15	SW NE
281	Diamond Pond	April 15, 1961	0.223	2.2	34 S	13 E	WM	17	NE SW
144	Stream	April 15, 1961	0.223	2.2	34 S	13 E	WM	18	NE NW
300	Mill Creek 1	April 15, 1961	0.223	2.2	35 S	13 E	WM	8	LOT 4 (SE NE)
301	Mill Creek 2	April 15, 1961	0.223	2.2	35 S	13 E	WM	9	LOT 6 (NW SW)
306	Mill Creek Pond	April 15, 1961	0.223	2.2	35 S	13 E	WM	20	SW NE
1250	Sycan Ford	April 15, 1961	0.223	2.2	33 S	12 E	WM	34	SW NW
1590	Unnamed Pothole	April 15, 1961	0.223	2.2	33 S	13 E	WM	5	LOT 2 (NW NE)
1213	Little Hole Big Meadow	April 15, 1961	0.557	5.5	33 S	13 E	WM	7	NE NE
1212	Loggers Pond	April 15, 1961	0.223	2.2	34 S	11 E	WM	24	NW NE

THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
108	Sycan Pond	33 S	12 E	WM	34	SW NW
127	Sycan River 1	33 S	13 E	WM	16	SE NW
131	Merritt Creek	33 S	13 E	WM	26	SW SW
133	Merritt Creek	33 S	13 E	WM	34	NE NE
166.1	Riverbed Stockpond 17	33 S	14 E	WM	18	LOT 2 (SW NW)
165.1	Riverbed Stockpond 16	33 S	14 E	WM	18	SE SW
177	Dicks Well Spring	33 S	14 E	WM	32	NE NW
114	INT Spring	34 S	12 E	WM	2	NW SE
117	Godowa Rock Pit	34 S	12 E	WM	4	NE SW
261	Sycan River	34 S	12 E	WM	19	NW NW
279	Pelland Spring Pond	34 S	12 E	WM	24	NE NW
268	Blue Creek	34 S	12 E	WM	28	SE NW
135	Watkins Spring	34 S	13 E	WM	2	NE NE
142	Thicket Spring	34 S	13 E	WM	9	SW SE
280	Electric Pond	34 S	13 E	WM	15	SW NE
281	Diamond Pond	34 S	13 E	WM	17	NE SW
144	Stream	34 S	13 E	WM	18	NE NW
300	Mill Creek 1	35 S	13 E	WM	8	LOT 4 (SENE)
301	Mill Creek 2	35 S	13 E	WM	9	LOT 6 (NWSW)
306	Mill Creek Pond	35 S	13 E	WM	20	SW NE
1250	Sycan Ford	33 S	12 E	WM	34	SW NW
1590	Unnamed Pothole	33 S	13 E	WM	5	LOT 2 (NW NE)
1213	Little Hole Big Meadow	33 S	13 E	WM	7	NE NE
1212	Loggers Pond	34 S	11 E	WM	24	NW NE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 385

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 385) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act and the portion of the claim under statute 73 P. L. 161, 48 Stat. 590 were approved; the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2078 to the Preliminary Evaluation of Claim 385.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 57 to the Claim and/or Preliminary Evaluation of Claim 385.
5. On May 1, 2000, Leonard Baio timely filed Contest 291 to the Claim and/or Preliminary Evaluation of Claim 385.
6. On May 2, 2000, Gary Strong timely filed Contest 526 to the Claim and/or Preliminary Evaluation of Claim 385.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 759 to the Claim and/or Preliminary Evaluation of Claim 385.
8. On May 2, 2000, Robert Bartell timely filed Contest 996 to the Claim and/or Preliminary Evaluation of Claim 385.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1231 to the Claim and/or Preliminary Evaluation of Claim 385.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1465 to the Claim and/or Preliminary Evaluation of Claim 385.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1814 to the Claim and/or Preliminary Evaluation of Claim 385.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2266 to the Claim and/or Preliminary Evaluation of Claim 385.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2502 to the Claim and/or Preliminary Evaluation of Claim 385.
14. On May 8, 2000, John Briggs timely filed Contest 4254 to the Claim and/or Preliminary Evaluation of Claim 385.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4488 to the Claim and/or Preliminary Evaluation of Claim 385.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4721 to the Claim and/or Preliminary Evaluation of Claim 385.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4962 to the Claim and/or Preliminary Evaluation of Claim 385.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5197 to the Claim and/or Preliminary Evaluation of Claim 385.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5430 to the Claim and/or Preliminary Evaluation of Claim 385.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3676: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3676. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 385 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 5.777 cfs as originally claimed, to 5.363 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2078, the remaining contest to Claim 385. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 385 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains three reservation dates as follows: (1) the reservation date of August 21, 1906 is based on a Presidential Proclamation of August 21, 1906, (2) the reservation date of October 14, 1935 is based on Presidential Proclamation No. 2143, October 14, 1935, and (3) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal

¹ Berlva Pritchard voluntarily withdrew from Contest 3676 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3676 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 are incorporated as if set forth fully herein. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 385 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 385

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-409-0125 THROUGH 97-409-0128 (A9);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION FROM FIRE; AND

FIRE SUPPRESSION; AND

LIVESTOCK WATERING ONLY FOR:

Unnamed Pond - USFS-ID 319.1

Rib Spring - USFS-ID 395.1

Bauer Spring - USFS-ID 344.1

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 5.363 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the North Fork Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
284	Buck Spring	April 15, 1961	0.223	2.2	34 S	13 E	WM	26	NE NW
283	Frying Pan Spring	April 15, 1961	0.223	2.2	34 S	13 E	WM	26	NW SE
282	Buck Spring Reservoir	April 15, 1961	0.223	2.2	34 S	13 E	WM	26	SE SE
287	Dice Springs	April 15, 1961	0.223	2.2	34 S	13 E	WM	29	NE SE
293	No Name Creek	April 15, 1961	0.223	2.2	34 S	13 E	WM	36	SW NW
313	Quarry 1 North	Aug. 21, 1906	0.223	2.2	34 S	14 E	WM	17	NE SE
314	Quarry 2 South	Aug. 21, 1906	0.223	2.2	34 S	14 E	WM	17	NE SE
312	Horseglade Spring	Aug. 21, 1906	0.223	2.2	34 S	14 E	WM	17	NW SE
316	Fivemile Creek	Aug. 21, 1906	0.223	2.2	34 S	14 E	WM	20	SW NW
831	Cold Creek Crossing	Aug. 21, 1906	0.223	2.2	34 S	15 E	WM	35	NW NW
259	School Creek	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	10	NW NW
350	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	19	NE SW
349	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	20	NE SE
348	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	20	NW SE
354	Gold Creek	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	23	SW SW
356	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	28	SE NW
324	Sandhill Crossing	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	30	SW NW
325	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	30	SW NW
358	Pit Pond	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	33	SW SW
360	Unnamed Spring	Aug. 21, 1906	0.223	2.2	34 S	16 E	WM	35	NW NW
295	Huckleberry 1	April 15, 1961	0.223	2.2	35 S	13 E	WM	3	LOT 4 (NW NW)
319.1	Unnamed Pond	Oct. 14, 1935	0.002	n/a	35 S	14 E	WM	19	SE NE

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the North Fork Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
395.1	Rib Spring	Oct. 14, 1935	0.002	n/a	35 S	14 E	WM	34	SE NE
837	North Fork Sprague River	Oct. 14, 1935	0.223	2.2	35 S	14 E	WM	34	SE SE
344.1	Bauer Spring	Oct. 14, 1935	0.007	n/a	35 S	15 E	WM	30	LOT 4 (SW SW)
361	Dead Horse Lake	Aug. 21, 1906	0.223	2.2	35 S	16 E	WM	1	LOT 6 (SE SW)
362	North Fork Sprague River	Aug. 21, 1906	0.223	2.2	35 S	16 E	WM	4	LOT 4 (NW NW)

THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
284	Buck Spring	34 S	13 E	WM	26	NE NW
283	Frying Pan Spring	34 S	13 E	WM	26	NW SE
282	Buck Spring Reservoir	34 S	13 E	WM	26	SE SE
287	Dice Springs	34 S	13 E	WM	29	NE SE
293	No Name Creek	34 S	13 E	WM	36	SW NW
313	Quarry 1 North	34 S	14 E	WM	17	NE SE
314	Quarry 2 South	34 S	14 E	WM	17	NE SE
312	Horseglade Spring	34 S	14 E	WM	17	NW SE
316	Fivemile Creek	34 S	14 E	WM	20	SW NW
831	Cold Creek Crossing	34 S	15 E	WM	35	NW NW
259	School Creek	34 S	16 E	WM	10	NW NW
350	North Fork Sprague River	34 S	16 E	WM	19	NE SW
349	North Fork Sprague River	34 S	16 E	WM	20	NE SE
348	North Fork Sprague River	34 S	16 E	WM	20	NW SE
354	Gold Creek	34 S	16 E	WM	23	SW SW
356	North Fork Sprague River	34 S	16 E	WM	28	SE NW
324	Sandhill Crossing	34 S	16 E	WM	30	SW NW
325	North Fork Sprague River	34 S	16 E	WM	30	SW NW
358	Pit Pond	34 S	16 E	WM	33	SW SW
360	Unnamed Spring	34 S	16 E	WM	35	NW NW
295	Huckleberry 1	35 S	13 E	WM	3	LOT 4 (NW NW)
319.1	Unnamed Pond	35 S	14 E	WM	19	SE NE
395.1	Rib Spring	35 S	14 E	WM	34	SE NE
837	North Fork Sprague River	35 S	14 E	WM	34	SE SE

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
344.1	Bauer Spring	35 S	15 E	WM	30	LOT 4 (SW SW)
361	Dead Horse Lake	35 S	16 E	WM	1	LOT 6 (SE SW)
362	North Fork Sprague River	35 S	16 E	WM	4	LOT 4 (NW NW)

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 386

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 386) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act and the portion of the claim under statute 73 P. L. 161, 48 Stat. 590 were approved; the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2079 to the Preliminary Evaluation of Claim 386.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 58 to the Claim and/or Preliminary Evaluation of Claim 386.
5. On May 1, 2000, Leonard Baio timely filed Contest 292 to the Claim and/or Preliminary Evaluation of Claim 386.
6. On May 2, 2000, Gary Strong timely filed Contest 527 to the Claim and/or Preliminary Evaluation of Claim 386.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 760 to the Claim and/or Preliminary Evaluation of Claim 386.
8. On May 2, 2000, Robert Bartell timely filed Contest 997 to the Claim and/or Preliminary Evaluation of Claim 386.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1232 to the Claim and/or Preliminary Evaluation of Claim 386.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1466 to the Claim and/or Preliminary Evaluation of Claim 386.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1815 to the Claim and/or Preliminary Evaluation of Claim 386.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2267 to the Claim and/or Preliminary Evaluation of Claim 386.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2503 to the Claim and/or Preliminary Evaluation of Claim 386.
14. On May 8, 2000, John Briggs timely filed Contest 4255 to the Claim and/or Preliminary Evaluation of Claim 386.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4489 to the Claim and/or Preliminary Evaluation of Claim 386.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4722 to the Claim and/or Preliminary Evaluation of Claim 386.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4963 to the Claim and/or Preliminary Evaluation of Claim 386.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5198 to the Claim and/or Preliminary Evaluation of Claim 386.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5431 to the Claim and/or Preliminary Evaluation of Claim 386.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3677: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3677. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 386 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 6.501 cfs as originally claimed, to 5.963 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2079, the remaining contest to Claim 386. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 386 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of August 21, 1906 is based on a Presidential Proclamation of August 21, 1906, and (2) the reservation date of October 14, 1935 is based on

¹ Berlva Pritchard voluntarily withdrew from Contest 3677 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3677 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

Presidential Proclamation No. 2143, October 14, 1935. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 are incorporated as if set forth fully herein. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 386 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 386

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-410-0054 THROUGH 97-410-0060 (A10);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION; AND

LIVESTOCK WATERING ONLY FOR:
 Butte 2 Spring - USFS ID 417.1
 Owens Pond - USFS ID 413.1
 Swede Pond - USFS ID 414.1
 Flat Pond - USFS ID 415.1
 Sagehen Pond - USFS ID 523.1
 Line Pond - USFS ID 525.1); AND

ADMINISTRATIVE USE ONLY FOR:
 Lantern Flat Spring - USFS-ID 451.3.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 5.963 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location and Place of Use Location				
All Tributary to the South Fork Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
417.1	Butte 2 Spring	Oct. 14, 1935	0.14	n/a	36 S	15 E	WM	12	NW NW
407	Don Spring	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	12	SW NE
625	Whiskey Spring	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	13	NW SE
409	Gin Spring	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	13	SW NW
413.1	Owens Pond	Oct. 14, 1935	0.014	n/a	36 S	15 E	WM	34	NE SW
414.1	Swede Pond	Oct. 14, 1935	0.014	n/a	36 S	15 E	WM	35	SE NE
838	Brownsworth Creek	Oct. 14, 1935	0.223	2.2	36 S	15 E	WM	36	NE SW
415.1	Flat Pond	Oct. 14, 1935	0.014	n/a	36 S	15 E	WM	36	NWSW
431	Corral Creek	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	12	SW SW
432	South Fork Sprague River	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	13	NW NW
434	Camp Creek	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	14	NE SW
433	South Fork Sprague River	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	14	SE NE
440	Brownsworth Creek	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	28	NW NW
408	Stock Spring	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	7	SW SW
423	Leonard Creek	Aug. 21, 1906	0.223	2.2	36 S	16 E	WM	8	SW SW
446	Blanche Spring	Aug. 21, 1906	0.223	2.2	36 S	17 E	WM	29	SW NW
447	Blonde Spring	Aug. 21, 1906	0.223	2.2	36 S	17 E	WM	30	NE SE
448	Round Spring	Aug. 21, 1906	0.223	2.2	36 S	17 E	WM	30	SE SE
449	Buckboard Creek	Aug. 21, 1906	0.557	5.5	36 S	17 E	WM	31	NE NE

Source		Priority Date	Quantity of Water		Point of Diversion Location and Place of Use Location				
All Tributary to the South Fork Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
451.3	Lantern Flat Spring	Aug. 21, 1906	0.1	n/a	36 S	17 E	WM	32	NE SE
451	Lantern Flat Spring	Aug. 21, 1906	0.223	2.2	36 S	17 E	WM	32	NE SE
450	Road Spring	Aug. 21, 1906	0.223	2.2	36 S	17 E	WM	32	NW NW
452	Lantern Flat Pond	Aug. 21, 1906	0.557	5.5	36 S	17 E	WM	32	SW SE
523.1	Sagehen Pond	Oct. 14, 1935	0.005	n/a	37 S	15 E	WM	20	SE SE
525.1	Line Pond	Oct. 14, 1935	0.005	n/a	37 S	15 E	WM	28	NW NW
445	Pothole Pond	Aug. 21, 1906	0.223	2.2	37 S	16 E	WM	12	NW SW
844	Indigo Creek	Aug. 21, 1906	0.223	2.2	37 S	16 E	WM	32	SE NW
442	Bare Flat Pond	Aug. 21, 1906	0.223	2.2	37 S	17 E	WM	6	SW NE
593	Whit Spring	Aug. 21, 1906	0.223	2.2	37 S	17 E	WM	23	NW SW
532	Mix Up Spring	Aug. 21, 1906	0.223	2.2	38 S	16 E	WM	6	NW NE

THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
417.1	Butte 2 Spring	36 S	15 E	WM	12	NW NW
407	Don Spring	36 S	15 E	WM	12	SW NE
625	Whiskey Spring	36 S	15 E	WM	13	NW SE
409	Gin Spring	36 S	15 E	WM	13	SW NW
413.1	Owens Pond	36 S	15 E	WM	34	NE SW
414.1	Swede Pond	36 S	15 E	WM	35	SE NE
838	Brownsorth Creek	36 S	15 E	WM	36	NE SW
415.1	Flat Pond	36 S	15 E	WM	36	NWSW
431	Corral Creek	36 S	16 E	WM	12	SW SW
432	South Fork Sprague River	36 S	16 E	WM	13	NW NW
434	Camp Creek	36 S	16 E	WM	14	NE SW
433	South Fork Sprague River	36 S	16 E	WM	14	SE NE
440	Brownsorth Creek	36 S	16 E	WM	28	NW NW
408	Stock Spring	36 S	16 E	WM	7	SW SW
423	Leonard Creek	36 S	16 E	WM	8	SW SW
446	Blanche Spring	36 S	17 E	WM	29	SW NW
447	Blonde Spring	36 S	17 E	WM	30	NE SE
448	Round Spring	36 S	17 E	WM	30	SE SE
449	Buckboard Creek	36 S	17 E	WM	31	NE NE
451.3	Lantern Flat Spring	36 S	17 E	WM	32	NE SE

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
451	Lantern Flat Spring	36 S	17 E	WM	32	NE SE
450	Road Spring	36 S	17 E	WM	32	NW NW
452	Lantern Flat Pond	36 S	17 E	WM	32	SW SE
523.1	Sagehen Pond	37 S	15 E	WM	20	SE SE
525.1	Line Pond	37 S	15 E	WM	28	NW NW
445	Pothole Pond	37 S	16 E	WM	12	NW SW
844	Indigo Creek	37 S	16 E	WM	32	SE NW
442	Bare Flat Pond	37 S	17 E	WM	6	SW NE
593	Whit Spring	37 S	17 E	WM	23	NW SW
532	Mix Up Spring	38 S	16 E	WM	6	NW NE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 387

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 387) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), under statute 73 P. L. 161, 48 Stat. 590, and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act and the portion of the claim under statute 73 P. L. 161, 48 Stat. 590 were approved; the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2080 to the Preliminary Evaluation of Claim 387.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 59 to the Claim and/or Preliminary Evaluation of Claim 387.
5. On May 1, 2000, Leonard Baio timely filed Contest 293 to the Claim and/or Preliminary Evaluation of Claim 387.
6. On May 2, 2000, Gary Strong timely filed Contest 528 to the Claim and/or Preliminary Evaluation of Claim 387.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 761 to the Claim and/or Preliminary Evaluation of Claim 387.
8. On May 2, 2000, Robert Bartell timely filed Contest 998 to the Claim and/or Preliminary Evaluation of Claim 387.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1233 to the Claim and/or Preliminary Evaluation of Claim 387.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1467 to the Claim and/or Preliminary Evaluation of Claim 387.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1816 to the Claim and/or Preliminary Evaluation of Claim 387.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2268 to the Claim and/or Preliminary Evaluation of Claim 387.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2504 to the Claim and/or Preliminary Evaluation of Claim 387.
14. On May 8, 2000, John Briggs timely filed Contest 4256 to the Claim and/or Preliminary Evaluation of Claim 387.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4490 to the Claim and/or Preliminary Evaluation of Claim 387.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4723 to the Claim and/or Preliminary Evaluation of Claim 387.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4964 to the Claim and/or Preliminary Evaluation of Claim 387.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5199 to the Claim and/or Preliminary Evaluation of Claim 387.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5432 to the Claim and/or Preliminary Evaluation of Claim 387.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3678: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3678. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 387 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 4.197 cfs as originally claimed, to 3.8 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2080, the remaining contest to Claim 387. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 387 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of August 21, 1906 is based on a Presidential Proclamation of August 21, 1906, and (2) the reservation date of October 14, 1935 is based on

¹ Berlva Pritchard voluntarily withdrew from Contest 3678 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3678 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

Presidential Proclamation No. 2143, October 14, 1935. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 and statute 73 P. L. 161, 48 Stat. 590 for a federal reserved water right are valid bases for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 are incorporated as if set forth fully herein. The authority for this presidential proclamation derives from 73 P.L. 161, 48 Stat. 590 (Act of April 14, 1934), which provides that the President is:

authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources....

The claimed purposes of use are consistent both with the primary purposes of use identified in 73 P. L. 161, 48 Stat. 590 and with the Organic Administration Act of 1897.

2. Based on the file and record herein, IT IS ORDERED that Claim 387 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 387

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-411-0096 THROUGH 97-411-0101 (A11);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

LIVESTOCK WATERING; AND

THE USES OF ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF
ROADS NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND
PROTECTION FROM FIRE, ONLY FOR:

Glade Pond - USFS ID 500
Penny Hill Pond - USFS ID 501

Pine Spring Pond - USFS ID 512
 Borrow - USFS ID 840
 Fishhole Creek - USFS ID 539
 Unnamed Stream - USFS ID 543
 Lost Valley Reservoir - USFS ID 544
 Fishhole Creek GS - USFS ID 578
 Lost Burn Puddle - USFS ID 592
 Long Prairie Pond - USFS ID 610
 Lapham Reservoir - USFS ID 614; AND

FIRE SUPPRESSION USE ONLY FOR:

Glade Pond - USFS ID 500
 Penny Hill Pond - USFS ID 501
 Pine Spring Pond - USFS ID 512
 Borrow - USFS ID 840
 Fishhole Creek - USFS ID 539,
 Unnamed Stream - USFS ID 543
 Lost Valley Reservoir - USFS ID 544
 Fishhole Creek GS - USFS ID 578
 Lost Burn Puddle - USFS ID 592
 Long Prairie Pond - USFS ID 610
 Lapham Reservoir - USFS ID 614; AND

ADMINISTRATIVE USE ONLY FOR:

Fishhole Creek GS Spring - USFS-ID578.3.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 3.8 CUBIC FEET PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), AND MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND THE POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Sprague Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
480.1	Blue Kettle Pond 2	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	15	SE SW
478.1	Blue Kettle Pond 1	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	15	SW NW
481.1	Skeedaddle Pond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	16	NE NW
482.1	Old Camp Spring Pond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	16	SW SW
487.1	Boulder Creek Sump	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	21	NE SE
488.1	SGE Pond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	22	NW NW
489.1	Unnamed Pond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	25	SW SW

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Sprague Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
494.1	Pole Creek Sump	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	31	SE SE
825.1	Unnamed Stockpond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	31	SW SE
498.1	L. Horsefly Pond	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	34	NE SE
497.1	Pole Creek Spring	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	34	NW NE
499.1	Cinder Spring	Oct. 14, 1935	0.031	n/a	37 S	14 E	WM	35	NW SW
522.1	Upper Taylor Pond	Oct. 14, 1935	0.005	n/a	37 S	15 E	WM	20	NE SW
526.1	Debbie Pond	Oct. 14, 1935	0.005	n/a	37 S	15 E	WM	30	SE NE
826.1	Unnamed Stockpond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	1	NE NW
500	Glade Pond	Oct. 14, 1935	0.223	2.2	38 S	14 E	WM	1	SW NW
501	Penny Hill Pond	Oct. 14, 1935	0.223	2.2	38 S	14 E	WM	2	LOT 2 (NWNE)
502.1	Haymaker Spring Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	2	SE SW
505.1	Sage Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	3	LOT 4 (SWNE)
504.1	Shepherdder Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	3	NE SW
503.1	Shepherdder Spring	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	3	SW NE
507.1	Pole Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	5	SW SE
509.1	Dry Lake Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	6	LOT 6 (NWSW)
510.1	Dry Lake Swamp	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	6	NE SW
511.1	Gerber Rim Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	7	NE SE
512	Pine Spring Pond	Aug. 21, 1906	0.223	2.2	38 S	14 E	WM	9	NE SE
514.1	Tag Spring	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	11	NE NE
513.1	Ham Spring	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	11	NE NW
515.1	Fly Pond	Oct. 14, 1935	0.031	n/a	38 S	14 E	WM	11	SW NE
535.1	Cinder Pond	Oct. 14, 1935	0.031	n/a	38 S	15 E	WM	4	NE NW
537.1	Devil Pond	Oct. 14, 1935	0.031	n/a	38 S	15 E	WM	9	NW NW
840	Borrow	Aug. 21, 1906	0.223	2.2	38 S	15 E	WM	10	NE NE
539	Fishhole Creek	Aug. 21, 1906	0.223	2.2	38 S	15 E	WM	10	SW SW
543	Unnamed Stream	Aug. 21, 1906	0.223	2.2	38 S	15 E	WM	12	NE SE
544	Lost Valley Reservoir	Aug. 21, 1906	0.223	2.2	38 S	15 E	WM	12	SE SE
550.1	Unnamed Pond	Oct. 14, 1935	0.031	n/a	38 S	15 E	WM	17	NW NW
578.3	Fishhole Creek GS	Aug. 21, 1906	0.5	n/a	38 S	16 E	WM	19	SW NE

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Sprague Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
578	Fishhole Creek GS	Aug. 21, 1906	0.223	2.2	38 S	16 E	WM	19	SW NE
592	Lost Burn Puddle	Aug. 21, 1906	0.223	2.2	38 S	16 E	WM	22	SW SW
610	Long Prairie Pond	Aug. 21, 1906	0.223	2.2	38 S	16 E	WM	34	LOT 6 (NWSW)
614	Lapham Reservoir	Aug. 21, 1906	0.223	2.2	39 S	16 E	WM	6	LOT 1 (NE NE)

THE PLACE OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
480.1	Blue Kettle Pond 2	37 S	14 E	WM	15	SE SW
478.1	Blue Kettle Pond 1	37 S	14 E	WM	15	SW NW
481.1	Skeedaddle Pond	37 S	14 E	WM	16	NE NW
482.1	Old Camp Spring Pond	37 S	14 E	WM	16	SW SW
487.1	Boulder Creek Sump	37 S	14 E	WM	21	NE SE
488.1	SGE Pond	37 S	14 E	WM	22	NW NW
489.1	Unnamed Pond	37 S	14 E	WM	25	SW SW
494.1	Pole Creek Sump	37 S	14 E	WM	31	SE SE
825.1	Unnamed Stockpond	37 S	14 E	WM	31	SW SE
498.1	L. Horsefly Pond	37 S	14 E	WM	34	NE SE
497.1	Pole Creek Spring	37 S	14 E	WM	34	NW NE
499.1	Cinder Spring	37 S	14 E	WM	35	NW SW
522.1	Upper Taylor Pond	37 S	15 E	WM	20	NE SW
526.1	Debbie Pond	37 S	15 E	WM	30	SE NE
826.1	Unnamed Stockpond	38 S	14 E	WM	1	NE NW
500	Glade Pond	38 S	14 E	WM	1	SW NW
501	Penny Hill Pond	38 S	14 E	WM	2	LOT 2 (NWNE)
502.1	Haymaker Spring Pond	38 S	14 E	WM	2	SE SW
505.1	Sage Pond	38 S	14 E	WM	3	LOT 4 (SWNE)
504.1	Shepherdder Pond	38 S	14 E	WM	3	NE SW
503.1	Shepherdder Spring	38 S	14 E	WM	3	SW NE
507.1	Pole Pond	38 S	14 E	WM	5	SW SE
509.1	Dry Lake Pond	38 S	14 E	WM	6	LOT 6 (NWSW)
510.1	Dry Lake Pond	38 S	14 E	WM	6	NE SW

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
511.1	Gerber Rim Pond	38 S	14 E	WM	7	NE SE
512	Pine Spring Pond	38 S	14 E	WM	9	NE SE
514.1	Tag Spring	38 S	14 E	WM	11	NE NE
513.1	Ham Spring	38 S	14 E	WM	11	NE NW
515.1	Fly Pond	38 S	14 E	WM	11	SW NE
535.1	Cinder Pond	38 S	15 E	WM	4	NE NW
537.1	Devil Pond	38 S	15 E	WM	9	NW NW
840	Borrow	38 S	15 E	WM	10	NE NE
539	Fishhole Creek	38 S	15 E	WM	10	SW SW
543	Unnamed Stream	38 S	15 E	WM	12	NE SE
544	Lost Valley Reservoir	38 S	15 E	WM	12	SE SE
550.1	Unnamed Pond	38 S	15 E	WM	17	NW NW
578.3	Fishhole Creek GS	38 S	16 E	WM	19	SW NE
578	Fishhole Creek GS	38 S	16 E	WM	19	SW NE
592	Lost Burn Puddle	38 S	16 E	WM	22	SW SW
610	Long Prairie Pond	38 S	16 E	WM	34	LOT 6 (NWSW)
614	Lapham Reservoir	39 S	16 E	WM	6	LOT 1 (NE NE)

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 388

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 388) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2081 to the Preliminary Evaluation of Claim 388.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 60 to the Claim and/or Preliminary Evaluation of Claim 388.
5. On May 1, 2000, Leonard Baio timely filed Contest 294 to the Claim and/or Preliminary Evaluation of Claim 388.
6. On May 2, 2000, Gary Strong timely filed Contest 529 to the Claim and/or Preliminary Evaluation of Claim 388.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 762 to the Claim and/or Preliminary Evaluation of Claim 388.

8. On May 2, 2000, Robert Bartell timely filed Contest 999 to the Claim and/or Preliminary Evaluation of Claim 388.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1234 to the Claim and/or Preliminary Evaluation of Claim 388.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1468 to the Claim and/or Preliminary Evaluation of Claim 388.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1817 to the Claim and/or Preliminary Evaluation of Claim 388.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2269 to the Claim and/or Preliminary Evaluation of Claim 388.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2505 to the Claim and/or Preliminary Evaluation of Claim 388.
14. On May 8, 2000, John Briggs timely filed Contest 4257 to the Claim and/or Preliminary Evaluation of Claim 388.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4491 to the Claim and/or Preliminary Evaluation of Claim 388.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4724 to the Claim and/or Preliminary Evaluation of Claim 388.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4965 to the Claim and/or Preliminary Evaluation of Claim 388.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5200 to the Claim and/or Preliminary Evaluation of Claim 388.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5433 to the Claim and/or Preliminary Evaluation of Claim 388.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3679: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don

¹ Berlva Pritchard voluntarily withdrew from Contest 3649 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3679. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 388 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 2.472 cfs as originally claimed, to 2.23 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2081, the remaining contest to Claim 388. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 388 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of August 21, 1906 is based on a Presidential Proclamation of August 21, 1906, and (2) the reservation date of April 15, 1961, and is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.
29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

² Don Vincent voluntarily withdrew from Contest 3679 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.
PARTIAL ORDER OF DETERMINATION

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 388 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

Beginning of Water Right Claim Description]

CLAIM NO. 388

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-412-0086 THROUGH 97-412-0089 (A12);
 MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
 OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
 FOREST SERVICE
 1220 SW 3RD ROOM 1734
 PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
 NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
 FROM FIRE; AND
 FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 2.23 CUBIC FEET
 PER SECOND (CFS):

**THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM
 ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS
 ARE AS FOLLOWS:**

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
385	Brown Water	April 15, 1961	0.223	2.2	36 S	13 E	WM	32	NW SW
388	Whiskey John Pond	April 15, 1961	0.223	2.2	36 S	13 E	WM	35	NW SE
406	Deming Creek	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	10	SW SW
404	Boyd Spring	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	4	NE SW
405	Buzz Spring	Aug. 21, 1906	0.223	2.2	36 S	15 E	WM	5	SW NE

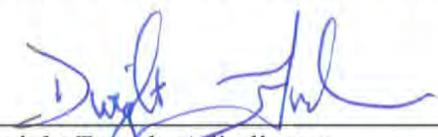
Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to the Sprague River			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
469	Yellow Jacket Spring Pond	April 15, 1961	0.223	2.2	37 S	12 E	WM	13	SW SE
476	Rock Pit	April 15, 1961	0.223	2.2	37 S	13 E	WM	18	SE NW
391	Chipmunk Spring	April 15, 1961	0.223	2.2	37 S	13 E	WM	6	SE SW
474	Mineral Creek	April 15, 1961	0.223	2.2	37 S	13 E	WM	8	SE SE
475	Mouse Spring	April 15, 1961	0.223	2.2	37 S	13 E	WM	9	SE SW

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
385	Brown Water	36 S	13 E	WM	32	NW SW
388	Whiskey John Pond	36 S	13 E	WM	35	NW SE
406	Deming Creek	36 S	15 E	WM	10	SW SW
404	Boyd Spring	36 S	15 E	WM	4	NE SW
405	Buzz Spring	36 S	15 E	WM	5	SW NE
469	Yellow Jacket Spring Pond	37 S	12 E	WM	13	SW SE
476	Rock Pit	37 S	13 E	WM	18	SE NW
391	Chipmunk Spring	37 S	13 E	WM	6	SE SW
474	Mineral Creek	37 S	13 E	WM	8	SE SE
475	Mouse Spring	37 S	13 E	WM	9	SE SW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 389

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 389) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2082 to the Preliminary Evaluation of Claim 389.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 61 to the Claim and/or Preliminary Evaluation of Claim 389.
5. On May 1, 2000, Leonard Baio timely filed Contest 295 to the Claim and/or Preliminary Evaluation of Claim 389.
6. May 2, 2000, Gary Strong timely filed Contest 530 to the Claim and/or Preliminary Evaluation of Claim 389.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 763 to the Claim and/or Preliminary Evaluation of Claim 389.

8. On May 2, 2000, Robert Bartell timely filed Contest 1000 to the Claim and/or Preliminary Evaluation of Claim 389.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1235 to the Claim and/or Preliminary Evaluation of Claim 389.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1469 to the Claim and/or Preliminary Evaluation of Claim 389.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1818 to the Claim and/or Preliminary Evaluation of Claim 389.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2270 to the Claim and/or Preliminary Evaluation of Claim 389.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2506 to the Claim and/or Preliminary Evaluation of Claim 389.
14. On May 8, 2000, John Briggs timely filed Contest 4258 to the Claim and/or Preliminary Evaluation of Claim 389.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4492 to the Claim and/or Preliminary Evaluation of Claim 389.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4725 to the Claim and/or Preliminary Evaluation of Claim 389.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4966 to the Claim and/or Preliminary Evaluation of Claim 389.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5201 to the Claim and/or Preliminary Evaluation of Claim 389.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5434 to the Claim and/or Preliminary Evaluation of Claim 389.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3680: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don

¹ Berlva Pritchard voluntarily withdrew from Contest 3680 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3680. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 389 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 20.073 cfs as originally claimed, to 16.44 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2082, the remaining contest to Claim 389. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 389 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961), and (2) the reservation date of November 15, 1974 is based on a Declaration of Taking, November 15, 1974, Civil No. 74-894, U.S. District Court of Oregon. The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

² Don Vincent voluntarily withdrew from Contest 3680 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 389 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 389

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-413-0111 THROUGH 97-413-0126 (A13);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION; AND

ADMINISTRATIVE USE ONLY FOR: Yainax GS Spring - USFS-ID 1159.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 16.44 CUBIC FEET
PER SECOND (CFS):

**THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM
ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS
ARE AS FOLLOWS:**

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Sprague Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1157	Unnamed Reservoir	Nov. 15, 1974	0.223	2.2	33 S	8 E	WM	27	NW SW
1156	Unnamed Reservoir	Nov. 15, 1974	0.223	2.2	34 S	8 E	WM	9	SW NE
1191	Sprague River	April 15, 1961	0.557	5.5	34 S	8 E	WM	21	SE NW
1180	Sprague River	April 15, 1961	0.557	5.5	34 S	8 E	WM	29	NE NE
1193	Unnamed Reservoir	Nov. 15, 1974	0.223	2.2	34 S	9 E	WM	8	SW NE
1575	Prairie Reservoir	April 15, 1961	0.223	2.2	34 S	9 E	WM	27	SE SE
1116	Wolff Ranch	April 15, 1961	0.557	n/a	34 S	9 E	WM	32	SW SW
1135	Buck Spring Pond	April 15, 1961	0.223	2.2	34 S	11 E	WM	27	NE NW
1181	Sprague River Chiloquin Dam	April 15, 1961	0.557	5.5	35 S	7 E	WM	3	LOT 21 (NE SE)
1110	Borrow Pond	April 15, 1961	0.223	2.2	35 S	8 E	WM	12	NE SE
1109	Unnamed Pond	April 15, 1961	0.223	2.2	35 S	8 E	WM	12	NW NE
1104	Nut Pond	April 15, 1961	1.114	11	35 S	8 E	WM	13	NE NW
1888	Crystal Castle Culvert	April 15, 1961	0.557	5.5	35 S	8 E	WM	18	LOT 3 (SW NW)
1510	Vanderkamp Pond	April 15, 1961	0.223	2.2	35 S	8 E	WM	34	SE NW
1113	Mouth S'Ocholis Canyon	April 15, 1961	0.557	5.5	35 S	9 E	WM	8	NW NE
1095	Quarry Pond	April 15, 1961	0.223	2.2	35 S	9 E	WM	15	SE SW
1097	Cedar Spring Culvert	April 15, 1961	0.223	2.2	35 S	9 E	WM	20	SW SW
1098	Cedar Spring	April 15, 1961	0.557	5.5	35 S	9 E	WM	20	SW SW
1205	North Fork Trout Creek	April 15, 1961	0.557	5.5	35 S	9 E	WM	35	SW SW
1150	Pothole Pond	April 15, 1961	0.223	2.2	35 S	10 E	WM	6	NW SE
1518	Hightable	April 15, 1961	0.223	2.2	35 S	11 E	WM	9	NE SE
1121	Logging Camp Pond	April 15, 1961	0.223	2.2	36 S	8 E	WM	3	NW NW
1122	A Paw Pond	April 15, 1961	0.223	2.2	36 S	8 E	WM	4	NE NE
1139	Edgewood Reservoir	April 15, 1961	0.223	2.2	36 S	8 E	WM	25	NE SE
1203	Trout Creek Culvert	April 15, 1961	0.557	5.5	36 S	9 E	WM	15	NE NW
1201	South Fork Trout Creek	April 15, 1961	0.557	5.5	36 S	9 E	WM	15	NW SE
1202	Trout Creek Ranch	April 15, 1961	0.557	5.5	36 S	9 E	WM	16	NE NW
1200	Jims Reservoir	April 15, 1961	0.557	5.5	36 S	9 E	WM	28	NW NW
1198	Unnamed Culvert	April 15, 1961	0.557	5.5	36 S	9 E	WM	29	NE NE
1199	Unnamed Culvert	April 15, 1961	0.557	5.5	36 S	9 E	WM	29	NE NE
1197	Unnamed Culvert	April 15, 1961	0.557	5.5	36 S	9 E	WM	29	NW NE
1161	Cherry Creek Spring	April 15, 1961	0.557	5.5	36 S	10 E	WM	27	SE NW
1163	Switchback Pond	April 15, 1961	0.557	5.5	36 S	10 E	WM	29	SW NE

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Sprague Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1159	Yainax GS Spring	April 15, 1961	0.06	n/a	36 S	10 E	WM	33	NW NE
1160	Yainax Pond	April 15, 1961	0.557	5.5	36 S	10 E	WM	33	NW NE
1169	North Rim Cliney Flat	April 15, 1961	0.223	2.2	36 S	11 E	WM	28	SE SE
1167	Cliney Pond	April 15, 1961	0.223	2.2	36 S	11 E	WM	33	LOT 3 (SW SE)
1504	Yainax Ridge Culvert	April 15, 1961	0.223	2.2	36 S	11 E	WM	33	NE SW
1206	Little Rim Reservoir	April 15, 1961	0.223	2.2	37 S	11 E	WM	3	SW NE
458	Whiskey Creek	April 15, 1961	0.223	2.2	37 S	11 E	WM	13	NE NW
373	Vic Reservoir	April 15, 1961	0.557	5.5	37 S	12 E	WM	7	LOT 3 (NW SW)
375	Charcoal Pond	April 15, 1961	0.223	2.2	37 S	12 E	WM	9	NE NW

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

Source		Point of Diversion Location and Place of Use Location				
All Tributary to Sprague Creek		Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name					
1157	Unnamed Reservoir	33 S	8 E	WM	27	NW SW
1156	Unnamed Reservoir	34 S	8 E	WM	9	SW NE
1191	Sprague River	34 S	8 E	WM	21	SE NW
1180	Sprague River	34 S	8 E	WM	29	NE NE
1193	Unnamed Reservoir	34 S	9 E	WM	8	SW NE
1575	Prairie Reservoir	34 S	9 E	WM	27	SE SE
1116	Wolff Ranch	34 S	9 E	WM	32	SW SW
1135	Buck Spring Pond	34 S	11 E	WM	27	NE NW
1181	Sprague River Chiloquin Dam	35 S	7 E	WM	3	LOT 21 (NE SE)
1110	Borrow Pond	35 S	8 E	WM	12	NE SE
1109	Unnamed Pond	35 S	8 E	WM	12	NW NE
1104	Nut Pond	35 S	8 E	WM	13	NE NW
1888	Crystal Castle Culvert	35 S	8 E	WM	18	LOT 3 (SW NW)
1510	Vanderkamp Pond	35 S	8 E	WM	34	SE NW
1113	Mouth S'Ocholis Canyon	35 S	9 E	WM	8	NW NE
1095	Quarry Pond	35 S	9 E	WM	15	SE SW
1097	Cedar Spring Culvert	35 S	9 E	WM	20	SW SW

Source		Point of Diversion Location and Place of Use Location				
All Tributary to Sprague Creek						
USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1098	Cedar Spring	35 S	9 E	WM	20	SW SW
1205	North Fork Trout Creek	35 S	9 E	WM	35	SW SW
1150	Pothole Pond	35 S	10 E	WM	6	NW SE
1518	Hightable	35 S	11 E	WM	9	NE SE
1121	Logging Camp Pond	36 S	8 E	WM	3	NW NW
1122	A Paw Pond	36 S	8 E	WM	4	NE NE
1139	Edgewood Reservoir	36 S	8 E	WM	25	NE SE
1203	Trout Creek Culvert	36 S	9 E	WM	15	NE NW
1201	South Fork Trout Creek	36 S	9 E	WM	15	NW SE
1202	Trout Creek Ranch	36 S	9 E	WM	16	NE NW
1200	Jims Reservoir	36 S	9 E	WM	28	NW NW
1198	Unnamed Culvert	36 S	9 E	WM	29	NE NE
1199	Unnamed Culvert	36 S	9 E	WM	29	NE NE
1197	Unnamed Culvert	36 S	9 E	WM	29	NW NE
1161	Cherry Creek Spring	36 S	10 E	WM	27	SE NW
1163	Switchback Pond	36 S	10 E	WM	29	SW NE
1159	Yainax GS Spring	36 S	10 E	WM	33	NW NE
1160	Yainax Pond	36 S	10 E	WM	33	NW NE
1169	North Rim Cliney Flat	36 S	11 E	WM	28	SE SE
1167	Cliney Pond	36 S	11 E	WM	33	LOT 3 (SW SE)
1504	Yainax Ridge Culvert	36 S	11 E	WM	33	NE SW
1206	Little Rim Reservoir	37 S	11 E	WM	3	SW NE
458	Whiskey Creek	37 S	11 E	WM	13	NE NW
373	Vic Reservoir	37 S	12 E	WM	7	LOT 3 (NW SW)
375	Charcoal Pond	37 S	12 E	WM	9	NE NW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 390

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 390) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2083 to the Preliminary Evaluation of Claim 390.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 62 to the Claim and/or Preliminary Evaluation of Claim 390.
5. On May 1, 2000, Leonard Baio timely filed Contest 296 to the Claim and/or Preliminary Evaluation of Claim 390.
6. On May 2, 2000, Gary Strong timely filed Contest 531 to the Claim and/or Preliminary Evaluation of Claim 390.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 764 to the Claim and/or Preliminary Evaluation of Claim 390.

8. On May 2, 2000, Robert Bartell timely filed Contest 1001 to the Claim and/or Preliminary Evaluation of Claim 390.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1236 to the Claim and/or Preliminary Evaluation of Claim 390.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1470 to the Claim and/or Preliminary Evaluation of Claim 390.
11. On May 4, 2000, Ambrose W. McAuliffe and Roger Nicholson timely filed Contest 1790 to the Claim and/or Preliminary Evaluation of Claim 390.
12. On May 4, 2000, Rodney Z. James timely filed Contest 1819 to the Claim and/or Preliminary Evaluation of Claim 390.
13. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2271 to the Claim and/or Preliminary Evaluation of Claim 390.
14. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2507 to the Claim and/or Preliminary Evaluation of Claim 390.
15. On May 8, 2000, John Briggs timely filed Contest 4259 to the Claim and/or Preliminary Evaluation of Claim 390.
16. On May 8, 2000, Peter M. Bourdet timely filed Contest 4493 to the Claim and/or Preliminary Evaluation of Claim 390.
17. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4726 to the Claim and/or Preliminary Evaluation of Claim 390.
18. On May 8, 2000, Thomas William Mallams timely filed Contest 4967 to the Claim and/or Preliminary Evaluation of Claim 390.
19. On May 8, 2000, Thomas H. Bentley timely filed Contest 5202 to the Claim and/or Preliminary Evaluation of Claim 390.
20. On May 8, 2000, Thomas E. Stephens timely filed Contest 5435 to the Claim and/or Preliminary Evaluation of Claim 390.
21. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3681: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

22. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
23. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, David Cowan, successor in interest to William J. Rust and Ethel J. Rust, and Ambrose W. McAuliffe and Roger Nicholson. *See* NOTICE OF WITHDRAWAL OF BAIIO *ET AL'S* CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
24. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3681. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
25. On December 30, 2002, the USFS amended Claim 390 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 8.096 (NOTE: total on original sheet reflected an addition error and showed 5.405) cfs as originally claimed, to 6.35 cfs."
26. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2083, the remaining contest to Claim 390. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
27. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
28. The place of use underlying Claim 390 is within a federal reservation of land that is owned by the Claimant.
29. The Claimant owns the place of use underlying Claim 390.
30. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows:

¹ Berlva Pritchard voluntarily withdrew from Contest 3681 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3681 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

(1) the reservation date of June 4, 1897 is based on Presidential Proclamation of September 28, 1893, No 6, 28 Stat. 1240 and the Organic Administration Act of June 4, 1897, 16 U.S.C. §§ 473-475, 477-482 and 551, and (2) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

31. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 390 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 390

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-414-0109 THROUGH 97-414-0112 (A14);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND
FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 6.35 CUBIC FEET
PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
USFS-ID	Name		CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
All Tributary to the Wood River									
1430	Cedar Spring	June 4, 1897	0.557	5.5	32 S	6 E	WM	23	SW NW
1426	Annie Creek Bridge	June 4, 1897	1.114	11	32 S	6 E	WM	25	SE SE
1582	Goosenest Spring	June 4, 1897	0.557	5.5	32 S	6 E	WM	33	NE NW
1370	Codys Bear Camp	June 4, 1897	1.114	11	33 S	6 E	WM	11	NW SW
1367	Sevenmile GS Bridge	June 4, 1897	0.557	5.5	33 S	6 E	WM	14	SE SE
1365	Klamath Point Pond	June 4, 1897	0.223	2.2	33 S	6 E	WM	21	SE SE
1366	Stans Spring	June 4, 1897	1.114	11	33 S	6 E	WM	23	SE NE
1259	Fort Klamath	April 15, 1961	0.557	5.5	33 S	7.50 E	WM	15	LOT 22 (NW SW)
1512	Fort Creek	April 15, 1961	0.557	5.5	33 S	7.50 E	WM	23	SE NW

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1430	Cedar Spring	32 S	6 E	WM	23	SW NW
1426	Annie Creek Bridge	32 S	6 E	WM	25	SE SE
1582	Goosenest Spring	32 S	6 E	WM	33	NE NW
1370	Codys Bear Camp	33 S	6 E	WM	11	NW SW
1367	Sevenmile GS Bridge	33 S	6 E	WM	14	SE SE
1365	Klamath Point Pond	33 S	6 E	WM	21	SE SE
1366	Stans Spring	33 S	6 E	WM	23	SE NE
1259	Fort Klamath	33 S	7.50 E	WM	15	LOT 22 (NW SW)
1512	Fort Creek	33 S	7.50 E	WM	23	SE NW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 391

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 391) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2084 to the Preliminary Evaluation of Claim 391.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 63 to the Claim and/or Preliminary Evaluation of Claim 391.
5. On May 1, 2000, Leonard Baio timely filed Contest 297 to the Claim and/or Preliminary Evaluation of Claim 391.
6. On May 2, 2000, Gary Strong timely filed Contest 532 to the Claim and/or Preliminary Evaluation of Claim 391.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 765 to the Claim and/or Preliminary Evaluation of Claim 391.
8. On May 2, 2000, Robert Bartell timely filed Contest 1002 to the Claim and/or Preliminary Evaluation of Claim 391.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1237 to the Claim and/or Preliminary Evaluation of Claim 391.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1471 to the Claim and/or Preliminary Evaluation of Claim 391.
11. On May 4, 2000, Ambrose W. McAuliffe and Roger Nicholson timely filed Contest 1791 to the Claim and/or Preliminary Evaluation of Claim 391.
12. On May 4, 2000, Rodney Z. James timely filed Contest 1820 to the Claim and/or Preliminary Evaluation of Claim 391.
13. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2272 to the Claim and/or Preliminary Evaluation of Claim 391.
14. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2508 to the Claim and/or Preliminary Evaluation of Claim 391.
15. On May 8, 2000, John Briggs timely filed Contest 4260 to the Claim and/or Preliminary Evaluation of Claim 391.
16. On May 8, 2000, Peter M. Bourdet timely filed Contest 4494 to the Claim and/or Preliminary Evaluation of Claim 391.
17. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4727 to the Claim and/or Preliminary Evaluation of Claim 391.
18. On May 8, 2000, Thomas William Mallams timely filed Contest 4968 to the Claim and/or Preliminary Evaluation of Claim 391.
19. On May 8, 2000, Thomas H. Bentley timely filed Contest 5203 to the Claim and/or Preliminary Evaluation of Claim 391.
20. On May 8, 2000, Thomas E. Stephens timely filed Contest 5436 to the Claim and/or Preliminary Evaluation of Claim 391.
21. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3682: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District

Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

22. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
23. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, David Cowan, successor in interest to William J. Rust and Ethel J. Rust, and Ambrose W. McAuliffe and Roger Nicholson. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL'S* CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
24. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3682. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
25. On December 30, 2002, the USFS amended Claim 391 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 9.479 (NOTE: total on original sheet reflected an addition error and showed 8.922) cfs as originally claimed, to 9.359 cfs."
26. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2084, the remaining contest to Claim 391. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
27. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
28. The place of use underlying Claim 391 is within a federal reservation of land that is owned by the Claimant.
29. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date

¹ Berlva Pritchard voluntarily withdrew from Contest 3682 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3682 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of June 4, 1897 is based on Presidential Proclamation of September 28, 1893, No 6, 28 Stat. 1240 and the Organic Administration Act of June 4, 1897, 16 U.S.C. §§ 473-475, 477-482 and 551, and (2) the reservation date of April 15, 1961 is based on the "Proclamation Taking Title to Certain Lands. . ." April 15, 1961, Federal Register, 26 Fed. Reg. 3251-3254 (1961). The priority date applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

30. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 391 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 391

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-415-0114 THROUGH 97-415-0120 (A15);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND
FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 9.359 CUBIC FEET
PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Klamath Lake			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1422	Threemile Culvert	June 4, 1897	0.557	5.5	34 S	6 E	WM	2	LOT 23 (SW NE)
1423	Threemile Quarry	June 4, 1897	0.223	2.2	34 S	6 E	WM	2	LOT 18 (NW NE)
1424	Threemile Rock Dam	June 4, 1897	1.114	11	34 S	6 E	WM	3	LOT 18 (NW SE)
1425	Charley Thompson Pond	June 4, 1897	0.223	2.2	34 S	6 E	WM	4	LOT 10 (NW NE)
1258	Threemile Culvert	June 4, 1897	0.223	2.2	34 S	6 E	WM	5	LOT 28 (NW SW)
1257	Lucy's Lake	June 4, 1897	0.223	2.2	34 S	6 E	WM	8	NE NW
1411	Nannie Creek	June 4, 1897	0.223	2.2	34 S	6 E	WM	10	SE SW
1412	Lather Mountain Access	June 4, 1897	0.223	2.2	34 S	6 E	WM	17	NW NE
1410	Cherry Creek	June 4, 1897	0.557	5.5	34 S	6 E	WM	22	SE NE
1395	Rock Creek	June 4, 1897	1.114	11	35 S	6 E	WM	3	NE SE
1396	Rock Creek Auxiliary	June 4, 1897	0.223	2.2	35 S	6 E	WM	3	SW NW
1394	Malone Spring Boatramp	June 4, 1897	0.557	5.5	35 S	6 E	WM	14	LOT 1 (NE NW)
1399	Rocky Point Boatramp	June 4, 1897	1.114	11	35 S	6 E	WM	35	LOT 5 (SE NW)
1548	Pelican Cut Canal	June 4, 1897	1.114	11	36 S	6 E	WM	10	SE NE
1406	Odessa Creek	June 4, 1897	0.557	5.5	36 S	6 E	WM	24	NW NE
1910	Barkley Spring	April 15, 1961	1.114	11	37 S	9 E	WM	6	LOT 11 (SW NW)

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1422	Threemile Culvert	34 S	6 E	WM	2	LOT 23 (SW NE)
1423	Threemile Quarry	34 S	6 E	WM	2	LOT 18 (NW NE)
1424	Threemile Rock Dam	34 S	6 E	WM	3	LOT 18 (NW SE)
1425	Charley Thompson Pond	34 S	6 E	WM	4	LOT 10 (NW NE)
1258	Threemile Culvert	34 S	6 E	WM	5	LOT 28 (NW SW)

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1257	Lucy's Lake	34 S	6 E	WM	8	NE NW
1411	Nannie Creek	34 S	6 E	WM	10	SE SW
1412	Lather Mountain Access	34 S	6 E	WM	17	NW NE
1410	Cherry Creek	34 S	6 E	WM	22	SE NE
1395	Rock Creek	35 S	6 E	WM	3	NE SE
1396	Rock Creek Auxiliary	35 S	6 E	WM	3	SW NW
1394	Malone Spring Boatramp	35 S	6 E	WM	14	LOT 1 (NE NW)
1399	Rocky Point Boatramp	35 S	6 E	WM	35	LOT 5 (SE NW)
1548	Pelican Cut Canal	36 S	6 E	WM	10	SE NE
1406	Odessa Creek	36 S	6 E	WM	24	NW NE
1910	Barkley Spring	37 S	9 E	WM	6	LOT 11 (SW NW)

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 392

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 392) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2085 to the Preliminary Evaluation of Claim 392.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 64 to the Claim and/or Preliminary Evaluation of Claim 392.
5. On May 1, 2000, Leonard Baio timely filed Contest 298 to the Claim and/or Preliminary Evaluation of Claim 392.

6. On May 2, 2000, Gary Strong timely filed Contest 533 to the Claim and/or Preliminary Evaluation of Claim 392.
7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 766 to the Claim and/or Preliminary Evaluation of Claim 392.
8. On May 2, 2000, Robert Bartell timely filed Contest 1003 to the Claim and/or Preliminary Evaluation of Claim 392.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1238 to the Claim and/or Preliminary Evaluation of Claim 392.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1472 to the Claim and/or Preliminary Evaluation of Claim 392.
11. On May 4, 2000, Ambrose W. McAuliffe and Roger Nicholson timely filed Contest 1792 to the Claim and/or Preliminary Evaluation of Claim 392.
12. On May 4, 2000, Rodney Z. James timely filed Contest 1821 to the Claim and/or Preliminary Evaluation of Claim 392.
13. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2273 to the Claim and/or Preliminary Evaluation of Claim 392.
14. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2509 to the Claim and/or Preliminary Evaluation of Claim 392.
15. On May 8, 2000, John Briggs timely filed Contest 4261 to the Claim and/or Preliminary Evaluation of Claim 392.
16. On May 8, 2000, Peter M. Bourdet timely filed Contest 4495 to the Claim and/or Preliminary Evaluation of Claim 392.
17. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4728 to the Claim and/or Preliminary Evaluation of Claim 392.
18. On May 8, 2000, Thomas William Mallams timely filed Contest 4969 to the Claim and/or Preliminary Evaluation of Claim 392.
19. On May 8, 2000, Thomas H. Bentley timely filed Contest 5204 to the Claim and/or Preliminary Evaluation of Claim 392.
20. On May 8, 2000, Thomas E. Stephens timely filed Contest 5437 to the Claim and/or Preliminary Evaluation of Claim 392.

21. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3683: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
22. On May 8, 2000, the Horsefly Irrigation District, Langell Valley Irrigation District Medford Irrigation District, and Rogue River Valley Irrigation timely filed Contest 3243 to Claim 392.
23. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
24. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, David Cowan, successor in interest to William J. Rust and Ethel J. Rust, and Ambrose W. McAuliffe and Roger Nicholson. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*’S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
25. On December 2, 2002, the Medford Irrigation District and Rogue River Valley Irrigation District withdrew from Contest 3243. *See* WITHDRAWAL OF MEDFORD IRRIGATION DISTRICT AND ROGUE RIVER VALLEY IRRIGATION DISTRICT CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 2, 2002).
26. On December 13, 2002, the Langell Valley Irrigation District and Horsefly Irrigation District withdrew without prejudice Contest 3243. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY IRRIGATION DISTRICT AND HORSEFLY IRRIGATION DISTRICT (Dec. 13, 2002).
27. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3683. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER’S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).

¹ Berlva Pritchard voluntarily withdrew from Contest 3683 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3683 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

28. On December 30, 2002, the USFS amended Claim 392 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," the rate was reduced "from 12.596 cfs as originally claimed, to 12.427 cfs," and "[f]or Uses identified as 1389, 1987 [sic], 1388, 1384, 1486, 1500, 1375, 1376, and 1382 . . .the Priority Date was 06/04/1897, and has been amended to 04/01/1910."
29. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2085, the remaining contest to Claim 392. See UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
30. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
31. The place of use underlying Claim 392 is within a federal reservation of land that is owned by the Claimant.
32. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right unless the claimant amended the priority date to a later date. This claim contains a reservation date of June 4, 1897, and is based on the Presidential Proclamation of September 28, 1893, No 6, 28 Stat. 1240 and the Organic Administration Act of June 4, 1897, 16 U.S.C. §§ 473-475, 477-482 and 551. The priority dates applicable to each aspect of the claim are set forth in the Water Right Claim Description below.
33. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 392 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

CLAIM NO. 392

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-416-0090 THROUGH 97-416-0094 (A16);
 MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
 OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
 FOREST SERVICE
 1220 SW 3RD ROOM 1734
 PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
 NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
 FROM FIRE; AND
 FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 12.427 CUBIC
 FEET PER SECOND (CFS):

**THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM
 ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION ARE AS
 FOLLOWS:**

Source		Priority Date	Quantity of Water		Point of Diversion Location				
USFS-ID	Name		CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
All Tributary to Fourmile Creek									
1416	Cold Spring	June 4, 1897	0.223	2.2	35 S	5 E	WM	12	NE NW
1414	Big Meadow Culvert	June 4, 1897	0.223	2.2	35 S	5 E	WM	14	SE SE
1415	Big Meadow Pothole	June 4, 1897	0.223	2.2	35 S	5 E	WM	14	NE SW
1413	Lost Creek	June 4, 1897	0.06	n/a	35 S	5 E	WM	24	NW SW
1392	Lost Creek	June 4, 1897	0.557	5.5	35 S	5 E	WM	26	SW NE
1390	Unnamed Pond	June 4, 1897	0.223	2.2	36 S	5 E	WM	11	NE SW
1389	Fourmile Creek	April 1, 1910	0.557	5.5	36 S	5 E	WM	14	NW NE
1387	Billie Creek	April 1, 1910	0.557	5.5	36 S	5 E	WM	16	SW SW
1388	Lake Bernice	April 1, 1910	0.557	5.5	36 S	5 E	WM	16	NW NW
1386	Cascade Canal	June 4, 1897	0.557	5.5	36 S	5 E	WM	20	NE SE
1384	Unnamed Reservoir	April 1, 1910	0.223	2.2	36 S	5 E	WM	26	NE NW

Source		Priority Date	Quantity of Water		Point of Diversion Location				
All Tributary to Fourmile Creek			CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
USFS-ID	Name								
1486	Billie Creek	April 1, 1910	0.557	5.5	36 S	5 E	WM	33	SW NE
1383	Trib Seldom Creek	June 4, 1897	0.557	5.5	36 S	5 E	WM	36	SW SE
1409	Varney Creek	June 4, 1897	0.557	5.5	36 S	6 E	WM	9	LOT 8 (SW SE)
1500	Wamplers Ditch	April 1, 1910	0.557	5.5	36 S	6 E	WM	9	SW NE
1375	Fourmile Flat	April 1, 1910	1.114	11	36 S	6 E	WM	18	SE SE
1376	Fourmile Fire Chance	April 1, 1910	0.223	2.2	36 S	6 E	WM	18	SW NE
1382	Fourmile Quarry	April 1, 1910	1.114	11	36 S	6 E	WM	18	NW SE
1377	Unnamed Reservoir/Spring	June 4, 1897	0.557	5.5	36 S	6 E	WM	28	SW NW
1381	Unnamed Pothole	June 4, 1897	0.223	2.2	36 S	6 E	WM	28	NW SW
1404	Varney Creek Culvert	June 4, 1897	0.557	5.5	36 S	6 E	WM	28	NW NE
1483	Rainbow Bay	June 4, 1897	0.557	5.5	37 S	5 E	WM	3	LOT 6 (NE SE)
1379	Dry Creek Bay	June 4, 1897	0.223	2.2	37 S	5 E	WM	4	SE NE
1380	Dry Creek	June 4, 1897	0.557	5.5	37 S	5 E	WM	4	SW NE
1371	Rainbow Creek	June 4, 1897	0.557	5.5	37 S	5 E	WM	22	SW NE
1372	Upper Rainbow Creek	June 4, 1897	0.557	5.5	37 S	5 E	WM	22	NW SE

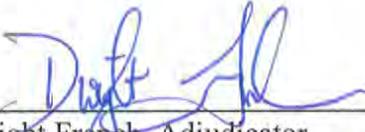
THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1416	Cold Spring	35 S	5 E	WM	12	NE NW
1414	Big Meadow Culvert	35 S	5 E	WM	14	SE SE
1415	Big Meadow Pothole	35 S	5 E	WM	14	NE SW
1413	Lost Creek	35 S	5 E	WM	24	NW SW
1392	Lost Creek	35 S	5 E	WM	26	SW NE
1390	Unnamed Pond	36 S	5 E	WM	11	NE SW
1389	Fourmile Creek	36 S	5 E	WM	14	NW NE
1387	Billie Creek	36 S	5 E	WM	16	SW SW
1388	Lake Bernice	36 S	5 E	WM	16	NW NW
1386	Cascade Canal	36 S	5 E	WM	20	NE SE
1384	Unnamed Reservoir	36 S	5 E	WM	26	NE NW
1486	Billie Creek	36 S	5 E	WM	33	SW NE
1383	Trib Seldom Creek	36 S	5 E	WM	36	SW SE

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1409	Varney Creek	36 S	6 E	WM	9	LOT 8 (SW SE)
1500	Wamplers Ditch	36 S	6 E	WM	9	SW NE
1375	Fourmile Flat	36 S	6 E	WM	18	SE SE
1376	Fourmile Fire Chance	36 S	6 E	WM	18	SW NE
1382	Fourmile Quarry	36 S	6 E	WM	18	NW SE
1377	Unnamed Reservoir/Spring	36 S	6 E	WM	28	SW NW
1381	Unnamed Pothole	36 S	6 E	WM	28	NW SW
1404	Varney Creek Culvert	36 S	6 E	WM	28	NW NE
1483	Rainbow Bay	37 S	5 E	WM	3	LOT 6 (NE SE)
1379	Dry Creek Bay	37 S	5 E	WM	4	SE NE
1380	Dry Creek	37 S	5 E	WM	4	SW NE
1371	Rainbow Creek	37 S	5 E	WM	22	SW NE
1372	Upper Rainbow Creek	37 S	5 E	WM	22	NW SE

End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 393

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 393) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Organic Administration Act of 1897, 16 U.S.C. §§ 473-475, 477-482 and 551 (Organic Act), and under the Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531(MUSYA).
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the portion of the claim under the Organic Act was approved and the portion of the claim under MUSYA was denied.
3. On May 5, 2000, the Claimant, USFS, timely filed Contest 2086 to the Preliminary Evaluation of Claim 393.
4. On May 1, 2000, William J. Rust and Ethel J. Rust timely filed Contest 65 to the Claim and/or Preliminary Evaluation of Claim 393.
5. On May 1, 2000, Leonard Baio timely filed Contest 299 to the Claim and/or Preliminary Evaluation of Claim 393.
6. On May 2, 2000, Gary Strong timely filed Contest 534 to the Claim and/or Preliminary Evaluation of Claim 393.

7. On May 2, 2000, the Flynn Brothers (Con and Nora Flynn), and Con, Nora and John Flynn timely filed Contest 767 to the Claim and/or Preliminary Evaluation of Claim 393.
8. On May 2, 2000, Robert Bartell timely filed Contest 1004 to the Claim and/or Preliminary Evaluation of Claim 393.
9. On May 2, 2000, Margaret Jacobs timely filed Contest 1239 to the Claim and/or Preliminary Evaluation of Claim 393.
10. On May 2, 2000, Carolyn Obenchain timely filed Contest 1473 to the Claim and/or Preliminary Evaluation of Claim 393.
11. On May 4, 2000, Rodney Z. James timely filed Contest 1822 to the Claim and/or Preliminary Evaluation of Claim 393.
12. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2274 to the Claim and/or Preliminary Evaluation of Claim 393.
13. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2510 to the Claim and/or Preliminary Evaluation of Claim 393.
14. On May 8, 2000, John Briggs timely filed Contest 4262 to the Claim and/or Preliminary Evaluation of Claim 393.
15. On May 8, 2000, Peter M. Bourdet timely filed Contest 4496 to the Claim and/or Preliminary Evaluation of Claim 393.
16. On May 8, 2000, Vincent Lee Briggs timely filed Contest 4729 to the Claim and/or Preliminary Evaluation of Claim 393.
17. On May 8, 2000, Thomas William Mallams timely filed Contest 4970 to the Claim and/or Preliminary Evaluation of Claim 393.
18. On May 8, 2000, Thomas H. Bentley timely filed Contest 5205 to the Claim and/or Preliminary Evaluation of Claim 393.
19. On May 8, 2000, Thomas E. Stephens timely filed Contest 5438 to the Claim and/or Preliminary Evaluation of Claim 393.
20. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3684: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co., Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don

Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard¹, Don Vincent², Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

21. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 007.
22. On July 2, 2002, the following contestants withdrew with prejudice their respective contest: Leonard Baio, Gary Strong, Flynn Brothers, Robert Bartell, Margaret Jacobs, Carolyn Obenchain, Rodney Z. James, Newman Enterprise (Douglas Newman), Francis Loving Trust, Hilda Francis Trustee, John Briggs, Peter M. Bourdet, Vincent Lee Briggs, Thomas William Mallams, Thomas H. Bentley, Thomas E. Stephens, and David Cowan, successor in interest to William J. Rust and Ethel J. Rust. *See* NOTICE OF WITHDRAWAL OF BAIO *ET AL*'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (July 2, 2002).
23. On December 26, 2002, the Klamath Project Water Users withdrew with prejudice Contest 3684. *See* WITHDRAWAL OF KLAMATH PROJECT WATER USER'S CONTESTS AGAINST THE UNITED STATES FOREST SERVICE CLAIMS (Dec. 26, 2002).
24. On December 30, 2002, the USFS amended Claim 393 by reducing the claim as follows: The "[p]ortion of this claim based on the Multiple Use Sustained Yield Act of June 12, 1960, 16 U.S.C. 528 *et seq.* is deleted," and the rate was reduced "from 3.002 cfs as originally claimed, to 2.717 cfs."
25. On March 11, 2003, the Claimant, USFS, withdrew with prejudice Contest 2086, the remaining contest to Claim 393. *See* UNITED STATES NOTICE OF WITHDRAWAL OF CONTESTS (Mar. 11, 2003).
26. On April 2, 2003, the Adjudicator withdrew Case 007 from the Office of Administrative Hearings.
27. The place of use underlying Claim 393 is within a federal reservation of land that is owned by the Claimant.
28. As explained in the GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897, the date of reservation is the priority date of a federal reserved water right. This claim contains two reservation dates as follows: (1) the reservation date of March 2, 1907 is based on Presidential Proclamation of March 2, 1907, and (2) the reservation date of June 21, 1956 is based on an Order Exchanging Administrative Jurisdiction, June 21, 1956, 6-23-56, Fed. Reg. 4525. The priority date

¹ Berlva Pritchard voluntarily withdrew from Contest 3684 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

² Don Vincent voluntarily withdrew from Contest 3684 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

applicable to each aspect of the claim is set forth in the Water Right Claim Description below.

29. The rate, maximum acre-feet per year allowed, and season of use claimed, as amended by the USFS on December 30, 2002, are no more than necessary to fulfill the primary purposes of the reservation.

B. DETERMINATION

1. The Organic Administration Act of 1897 for a federal reserved water right is a valid basis for this claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING CLAIMS BASED ON THE ORGANIC ADMINISTRATION ACT OF 1897 is incorporated as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 393 is approved as amended by the USFS and as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 393

CLAIM MAP REFERENCE:

USFS MAPS FILED 1997, 97-417-0115 THROUGH 97-417-0116 (A17);
MYLAR FILED AS CLAIM # 377, PAGES 173 THROUGH 266; and
OWRD INVESTIGATION MAPS

CLAIMANT: UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
1220 SW 3RD ROOM 1734
PORTLAND, OR 97204

PURPOSE or USE:

ROAD CONSTRUCTION, MAINTENANCE AND DUST SUPPRESSION OF ROADS
NECESSARY FOR TIMBER PRODUCTION, TIMBER HARVESTING, AND PROTECTION
FROM FIRE; AND

FIRE SUPPRESSION.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH NOVEMBER 30

RATE OF USE:

THE RATE OF USE IS AS FOLLOWS, NOT TO EXCEED A TOTAL OF 2.717 CUBIC FEET
PER SECOND (CFS):

THE SOURCES OF WATER, DATES OF PRIORITY, RATE OF USE (CFS), MAXIMUM ACRE-FEET PER YEAR ALLOWED (AF/Year), AND POINTS OF DIVERSION LOCATIONS ARE AS FOLLOWS:

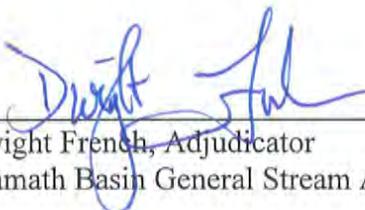
Source		Priority Date	Quantity of Water		Place of Use Location				
USFS-ID	Name		CFS	AF/Year	Twp	Rng	Mer	Sec	Q-Q
All Tributary to Spencer Creek									
1499	Trib to Buck Lake	June 21, 1956	0.223	2.2	38 S	5 E	WM	3	SE SE
1571	Fire Chance	June 21, 1956	0.557	5.5	38 S	6 E	WM	4	SE SW
1498	790 Culvert	June 21, 1956	0.6	n/a	38 S	6 E	WM	7	SE NW
1417	Spencer Creek	Mar. 2, 1907	1.114	11	38 S	6 E	WM	18	NW SE
1418	North Fork Spencer Creek	Mar. 2, 1907	0.223	2.2	38 S	6 E	WM	18	SE NW

THE PLACES OF USE LOCATIONS ARE AS FOLLOWS:

USFS-ID	Name	Twp	Rng	Mer	Sec	Q-Q
1499	Trib to Buck Lake	38 S	5 E	WM	3	SE SE
1571	Fire Chance	38 S	6 E	WM	4	SE SW
1498	790 Culvert	38 S	6 E	WM	7	SE NW
1417	Spencer Creek	38 S	6 E	WM	18	NW SE
1418	North Fork Spencer Creek	38 S	6 E	WM	18	SE NW

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 394

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 394) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 394 and/or Preliminary Evaluation of Claim 394.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 394 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 394 by the USFS, IT IS ORDERED that Claim 394 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 395

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

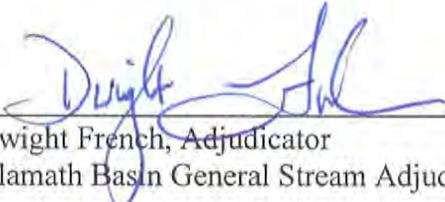
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 395) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 395 and/or Preliminary Evaluation of Claim 395.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 395 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 395 by the USFS, IT IS ORDERED that Claim 395 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 396

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 396) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 396 and/or Preliminary Evaluation of Claim 396.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 396 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 396 by the USFS, IT IS ORDERED that Claim 396 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 397

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

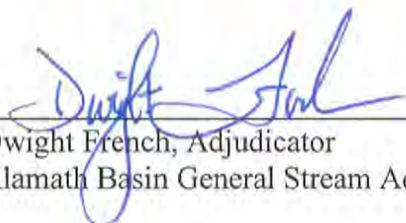
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 397) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 397 and/or Preliminary Evaluation of Claim 397.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 397 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 397 by the USFS, IT IS ORDERED that Claim 397 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 398

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 398) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 398 and/or Preliminary Evaluation of Claim 398.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 398 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 398 by the USFS, IT IS ORDERED that Claim 398 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 399

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

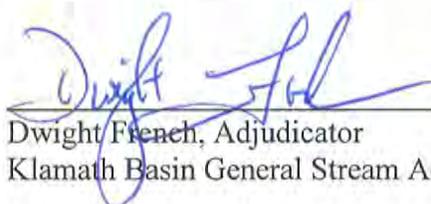
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 399) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 399 and/or Preliminary Evaluation of Claim 399.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 399 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 399 by the USFS, IT IS ORDERED that Claim 399 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 400

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 400) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 400 and/or Preliminary Evaluation of Claim 400.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 400 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 400 by the USFS, IT IS ORDERED that Claim 400 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
_____	)	Water Right Claim 401
)	

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 401) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 401 and/or Preliminary Evaluation of Claim 401.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 401 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 401 by the USFS, IT IS ORDERED that Claim 401 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 402

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 402) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 402 and/or Preliminary Evaluation of Claim 402.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 402 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 402 by the USFS, IT IS ORDERED that Claim 402 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 403

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

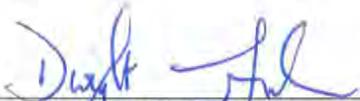
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 403) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 403 and/or Preliminary Evaluation of Claim 403.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 403 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 403 by the USFS, IT IS ORDERED that Claim 403 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 404

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

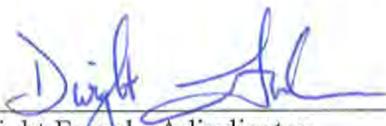
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 404) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 404 and/or Preliminary Evaluation of Claim 404.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 404 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 404 by the USFS, IT IS ORDERED that Claim 404 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
_____	)	Water Right Claim 405

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 405) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 405 and/or Preliminary Evaluation of Claim 405.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 405 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 405 by the USFS, IT IS ORDERED that Claim 405 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 406

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 406) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 406 and/or Preliminary Evaluation of Claim 406.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 406 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 406 by the USFS, IT IS ORDERED that Claim 406 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 407

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 407) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 407 and/or Preliminary Evaluation of Claim 407.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 407 which thereby resolved all contests. *See UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS* (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 407 by the USFS, IT IS ORDERED that Claim 407 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 408

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 408) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 408 and/or Preliminary Evaluation of Claim 408.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 408 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 408 by the USFS, IT IS ORDERED that Claim 408 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 409

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 409) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 409 and/or Preliminary Evaluation of Claim 409.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 409 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 409 by the USFS, IT IS ORDERED that Claim 409 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013

A handwritten signature in blue ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 410

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 410) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 410 and/or Preliminary Evaluation of Claim 410.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 410 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 410 by the USFS, IT IS ORDERED that Claim 410 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 411

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

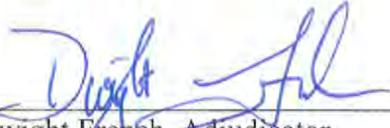
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 411) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 411 and/or Preliminary Evaluation of Claim 411.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 411 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 411 by the USFS, IT IS ORDERED that Claim 411 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 412

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 412) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 412 and/or Preliminary Evaluation of Claim 412.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 412 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 412 by the USFS, IT IS ORDERED that Claim 412 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013

A handwritten signature in blue ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 413

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 413) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 413 and/or Preliminary Evaluation of Claim 413.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 413 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 413 by the USFS, IT IS ORDERED that Claim 413 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 414

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

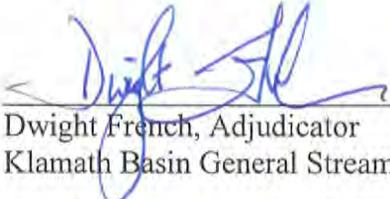
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 414) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 414 and/or Preliminary Evaluation of Claim 414.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 414 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 414 by the USFS, IT IS ORDERED that Claim 414 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 415

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 415) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 415 and/or Preliminary Evaluation of Claim 415.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 415 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 415 by the USFS, IT IS ORDERED that Claim 415 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013.



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 416

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 416) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 416 and/or Preliminary Evaluation of Claim 416.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 416 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 416 by the USFS, IT IS ORDERED that Claim 416 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 417

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 417) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 417 and/or Preliminary Evaluation of Claim 417.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 417 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 417 by the USFS, IT IS ORDERED that Claim 417 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 418

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 418) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 418 and/or Preliminary Evaluation of Claim 418.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 418 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 418 by the USFS, IT IS ORDERED that Claim 418 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
_____	)	Water Right Claim 419

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 419) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 419 and/or Preliminary Evaluation of Claim 419.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 419 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 419 by the USFS, IT IS ORDERED that Claim 419 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 420

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 420) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 420 and/or Preliminary Evaluation of Claim 420.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 420 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 420 by the USFS, IT IS ORDERED that Claim 420 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 421

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 421) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 421 and/or Preliminary Evaluation of Claim 421.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 421 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 421 by the USFS, IT IS ORDERED that Claim 421 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 422

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 422) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 422 and/or Preliminary Evaluation of Claim 422.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 422 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 422 by the USFS, IT IS ORDERED that Claim 422 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 423

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 423) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 423 and/or Preliminary Evaluation of Claim 423.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 423 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 423 by the USFS, IT IS ORDERED that Claim 423 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 424

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 424) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 424 and/or Preliminary Evaluation of Claim 424.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 424 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 424 by the USFS, IT IS ORDERED that Claim 424 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 425

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 425) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 425 and/or Preliminary Evaluation of Claim 425.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 425 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 425 by the USFS, IT IS ORDERED that Claim 425 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 426

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 426) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 426 and/or Preliminary Evaluation of Claim 426.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 426 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 426 by the USFS, IT IS ORDERED that Claim 426 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 427

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 427) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 427 and/or Preliminary Evaluation of Claim 427.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 427 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 427 by the USFS, IT IS ORDERED that Claim 427 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 428

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 428) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 428 and/or Preliminary Evaluation of Claim 428.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 428 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 428 by the USFS, IT IS ORDERED that Claim 428 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 429

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 429) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 429 and/or Preliminary Evaluation of Claim 429.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 429 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 429 by the USFS, IT IS ORDERED that Claim 429 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 430

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 430) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 430 and/or Preliminary Evaluation of Claim 430.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 430 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 430 by the USFS, IT IS ORDERED that Claim 430 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 431

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 431) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 431 and/or Preliminary Evaluation of Claim 431.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 431 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 431 by the USFS, IT IS ORDERED that Claim 431 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
_____	)	Water Right Claim 432

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 432) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 432 and/or Preliminary Evaluation of Claim 432.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 432 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 432 by the USFS, IT IS ORDERED that Claim 432 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 433

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 433) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 433 and/or Preliminary Evaluation of Claim 433.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 433 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 433 by the USFS, IT IS ORDERED that Claim 433 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 434

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 434) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 434 and/or Preliminary Evaluation of Claim 434.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 434 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 434 by the USFS, IT IS ORDERED that Claim 434 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
_____	)	Water Right Claim 435

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 435) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 435 and/or Preliminary Evaluation of Claim 435.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 435 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 435 by the USFS, IT IS ORDERED that Claim 435 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 436

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

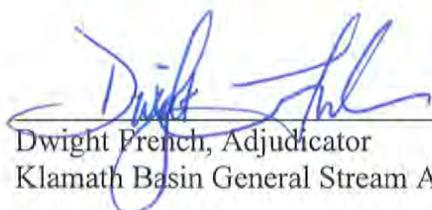
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 436) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 436 and/or Preliminary Evaluation of Claim 436.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 436 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 436 by the USFS, IT IS ORDERED that Claim 436 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 437

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 437) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 437 and/or Preliminary Evaluation of Claim 437.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 437 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 437 by the USFS, IT IS ORDERED that Claim 437 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 438

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 438) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 438 and/or Preliminary Evaluation of Claim 438.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 438 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 438 by the USFS, IT IS ORDERED that Claim 438 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 439

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 439) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 439 and/or Preliminary Evaluation of Claim 439.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 439 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 439 by the USFS, IT IS ORDERED that Claim 439 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 440

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 440) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 440 and/or Preliminary Evaluation of Claim 440.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 440 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 440 by the USFS, IT IS ORDERED that Claim 440 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 441

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 441) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 441 and/or Preliminary Evaluation of Claim 441.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 441 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 441 by the USFS, IT IS ORDERED that Claim 441 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 442

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 442) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 442 and/or Preliminary Evaluation of Claim 442.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 442 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 442 by the USFS, IT IS ORDERED that Claim 442 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 443

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 443) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 443 and/or Preliminary Evaluation of Claim 443.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 443 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 443 by the USFS, IT IS ORDERED that Claim 443 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 444

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 444) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 444 and/or Preliminary Evaluation of Claim 444.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 444 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 444 by the USFS, IT IS ORDERED that Claim 444 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 445

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 445) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 445 and/or Preliminary Evaluation of Claim 445.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 445 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 445 by the USFS, IT IS ORDERED that Claim 445 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 446

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 446) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 446 and/or Preliminary Evaluation of Claim 446.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 446 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 446 by the USFS, IT IS ORDERED that Claim 446 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 447

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

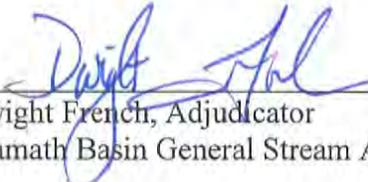
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 447) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 447 and/or Preliminary Evaluation of Claim 447.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 447 which thereby resolved all contests. *See UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS* (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 447 by the USFS, IT IS ORDERED that Claim 447 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 448

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

A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 448) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 448 and/or Preliminary Evaluation of Claim 448.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 448 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 448 by the USFS, IT IS ORDERED that Claim 448 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of the	)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF	)	DETERMINATION
AGRICULTURE, FOREST SERVICE)	
)	
	)	Water Right Claim 449

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

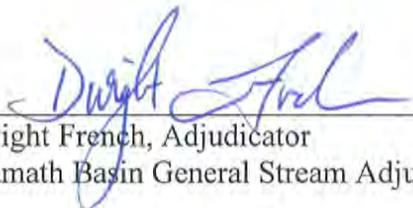
A. FINDINGS OF FACT

1. On April 29, 1997, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE (USFS) timely submitted a Statement and Proof of Claim (Claim 449) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication claiming a federal reserved water right under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528-531.
2. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation), stating the claim was denied.
3. Several timely contests, including one by the USFS, were filed to Claim 449 and/or Preliminary Evaluation of Claim 449.
4. These matters were referred to the Office of Administrative Hearings for a contested case hearing. The Office of Administrative Hearings designated these matters and other like claims of the USFS as Case 004.
5. On December 30, 2002 the Claimant, USFS, voluntarily withdrew Claim 449 which thereby resolved all contests. *See* UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS (Dec. 30, 2002).
6. On December 31, 2002, the Adjudicator withdrew Case 004 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 449 by the USFS, IT IS ORDERED that Claim 449 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication