

Appendix A

Standards for Rates, Duties, and Seasons of Use Within Previously Unadjudicated Areas of the Klamath Basin

Except as otherwise indicated elsewhere in Appendix A, claims which are approved are approved for the lesser of three amounts (i.e. rates and/or duties): the amount of water claimed, the maximum amount of water that can be delivered by the claimant's delivery system, or the standard rate and duty established by the Adjudicator for the claimed use. In cases where the claimant failed to provide sufficient information to calculate the capacity of their delivery system, or if no delivery system exists (see "Natural Irrigation" below), then the capacity of the delivery system is not used as a factor in determining the amount allowed.

Except as otherwise indicated elsewhere in Appendix A, claims which are approved are approved for the full standard season established by the Adjudicator for the claimed use.

The standard maximum rate, duty, and season for various uses have been determined by the Adjudicator as a result of an analysis of rates, duties, and irrigation seasons historically required as exemplified by claimed descriptions of historical uses, as well as previous adjudications of water rights within Klamath Basin subbasins. These subbasins include the Wood River, Crane Creek, Sevenmile Creek, Fourmile Creek, Anna (Annie) Creek, Cherry Creek, Swan Lake, and Lost River subbasins, as well as the portion of the Sprague River subbasin outside the former Klamath Indian Reservation.

Irrigation (Artificial Diversions)

Claims for irrigation within the Klamath Basin are generally consistent with each other and with prior subbasin adjudications with regard to claimed rates, duties, and periods of use. In general, in cases wherein the Adjudicator recommends approval of claims for use of water for irrigation, he recommends approval for the full rate, duty, and season described below.

Standard rate: One-fortieth of one cubic foot per second for each acre irrigated

Standard duty: Three and one-half acre-feet for each acre irrigated

Standard season: March 1 - October 31 of each year

These standards notwithstanding, the Adjudicator may recommend for approval a period of use for irrigation other than that listed above if it is determined that a nonstandard period of use is warranted by atypical yet legitimate delivery methods or other irrigation practices, or if the use is

made by means of delivery that involves no artificial diversion of water (e.g. natural overflow).

Natural Irrigation

In cases wherein the Adjudicator recommends approval of claims for irrigation uses which occur with no artificial diversion of water (“natural irrigation”), the Adjudicator recommends approval for the rate and duty actually *beneficially* used, and period during which actual beneficial use occurred. Practically applied, this means that in cases of natural irrigation, the Adjudicator recommends approval of claims for the standard rate and duty, and for the period of use claimed, unless the preponderance of evidence indicates that the use has not occurred, or has occurred in a different manner than that which was claimed.

In cases wherein the claimant failed to indicate their period of use for natural irrigation, the Adjudicator recommends denial of the claimed use.

Livestock Watering

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for livestock, he recommends approval for the full rate and season described below.

Standard rate for non-dairy livestock: twelve gallons per day per head

Standard rate for dairy livestock: 35 gallons per day per head

Livestock season: January 1 - December 31 of each year

In cases wherein the claimant did not indicate the type of livestock, the Adjudicator has interpreted these to mean non-dairy livestock.

Domestic Use

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for domestic use, he recommends approval for the full rate and season described below.

Standard rate: one-hundredth of one cubic foot per second per home

Standard season: January 1 - December 31

Uses Other Than Irrigation, Livestock Watering, and Domestic Use

In general, in cases wherein the Adjudicator recommends approval of claims for use of water for uses other than irrigation, livestock watering, and domestic use, the Adjudicator recommends approval of the claim for the lesser of two amounts: the claimed amount, or the maximum amount of water that can be delivered by the claimant's delivery system. The period of use recommended for approval by the Adjudicator for these uses is January 1 - December 31.