

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **3**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Mabel A Schumacher

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 13, 1990.
3. The claim is for a total of 0.19 cubic feet per second from two points of diversion located on Cole Creek and Three Creek, tributaries to Williamson River, for livestock and domestic use.
4. The claimed period of use for livestock is May 1 to January 1. The claimed period of use

for domestic use is year round.

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

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. However, the Department's Field Inspection Report indicates that the source of water claimed as Cole Creek is actually an unnamed spring, tributary to Cole Creek. Because the spring is immediately adjacent to or in the bed of Cole Creek, they are considered to be the same source.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

For domestic: RATE: 0.01 cfs/home SEASON: January 1 - December 31

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

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

SOURCE: an unnamed spring, tributary to Cole Creek

USE: domestic

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

USE: livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

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

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 29 South, Range 9 East, W.M.

SOURCE: Three Creek, tributary to Williamson River

USE: livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ LIVESTOCK
SECTION 28
TOWNSHIP 29 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian, who sold the property to the claimant's father.
 - c. The claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is

approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **4**
Walton claim

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet from natural overflow from Williamson River, tributary to Upper Klamath Lake, for irrigation of 134.0 acres, stockwater, and wildlife habitat.
4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **5**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

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

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 19.82 cubic feet per second from eight points of diversion located on an unnamed stream (Lenz Creek) tributary to Big Springs Creek, and Big Springs Creek, tributary to Williamson River, for irrigation of 1840.6 acres and livestock.
4. The claimed period of use is the middle of April to the middle of September.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

LIVESTOCK

POINT OF DIVERSION LOCATIONS:

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

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE: See below.

IRRIGATION

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

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

USE: irrigation of 253.4 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ 22.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 3.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 14
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼ 3.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 36.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 20.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 26.7 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 6.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 24.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 3.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 23
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

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

SOURCE: Big Springs Creek, tributary to Williamson River

USE: irrigation of 1622.6 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 22

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

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

SECTION 23

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

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

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

SECTION 24

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

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

SECTION 25

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

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

SECTION 26

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

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

SECTION 27

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

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

- b. The land appurtenant to the claim was formerly owned by Klamath Indians.
- c. Water for the claimed use was fully developed either by the last Indian owner of the property, or very shortly after it was purchased by J. P. McAuliffe, the first non-Indian owner, in the late 1950's.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **8**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Bruce Emery
Royal Crown Cattle Co.

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 1.0 cubic feet per second from three points of diversion located on springs tributary to Williamson River for livestock.
4. The claimed period of use is March through September.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

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Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **9**
Walton claim

Current Claimant(s) of Record:

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

Ken Hufford
2804 Crosby Ave Box 132
Klamath Falls OR 97603

Original Claimant(s):

Boyd P Braren
Boyd P Braren Trust

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 59.3 cubic feet per second from five points of diversion located on Williamson River, tributary to Upper Klamath Lake, and Jack Creek and Long Prairie Creek, tributaries of Williamson River, for irrigation of 2333.8 acres and livestock.

4. The claimed period of use is February through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

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

SOURCE: Long Prairie Creek, tributary to Williamson River

USE: irrigation of 173.1 acres and livestock

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 17.2 ACRES IRRIGATION AND LIVESTOCK
 NW ¼ NE ¼ 17.6 ACRES IRRIGATION AND LIVESTOCK
 SW ¼ NE ¼ 11.2 ACRES IRRIGATION AND LIVESTOCK
 SE ¼ NE ¼ 32.0 ACRES IRRIGATION AND LIVESTOCK
 NE ¼ NW ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK
 SECTION 10
 TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

NW ¼ NW ¼ 10.4 ACRES IRRIGATION AND LIVESTOCK
 SW ¼ NW ¼ 35.1 ACRES IRRIGATION AND LIVESTOCK
 SE ¼ NW ¼ 34.0 ACRES IRRIGATION AND LIVESTOCK
 SECTION 11
 TOWNSHIP 30 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATIONS:

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

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

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

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

USE: irrigation of 658.6 acres and livestock

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 34.4 ACRES IRRIGATION AND LIVESTOCK
 NW ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
 SW ¼ NE ¼ 37.8 ACRES IRRIGATION AND LIVESTOCK
 SE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
 NE ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK

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

SECTION 9

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

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

SECTION 10

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

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

SOURCE: Jack Creek tributary to Williamson River

USE: irrigation of 181.6 acres and livestock

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 14.8 ACRES IRRIGATION AND LIVESTOCK

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

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

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

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 931.3 acres and livestock

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼ 12.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 17.6 ACRES IRRIGATION AND LIVESTOCK

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

SECTION 16

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

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

SECTION 17

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

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

SECTION 18

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

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

SECTION 19

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

NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	28.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	28.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 20

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

NE ¼ NW ¼ 7.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 24.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 21

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 389.4 acres and livestock

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ 20.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼ 34.3 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 3.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 8

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

NW ¼ NW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 16

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

NE ¼ NE ¼ 34.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.4 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 35.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 32.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 17

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

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

SECTION 16

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **10**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Jess Francis
Ida Givan

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.
3. The claim is for a total of 22.24 cubic feet per second from two points of diversion located on Jackson Creek and an unnamed creek, tributaries to Williamson River, and Williamson River, tributary to Upper Klamath Lake for irrigation of 889.4 acres and livestock.
4. The claimed period of use is April 1 through November 30.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection relating to water use permits 28171 and 28003 which found the irrigation use as claimed; the Department also performed a field inspection on August 28, 1979 which found the livestock use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

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

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

USE: irrigation of 889.4 acres and livestock

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

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

PERIOD OF USE: April 1 - November 30

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 11

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

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

SECTION 13

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

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

SECTION 14

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

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

SECTION 18

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: supplemental irrigation of 274.7 acres

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

PERIOD OF USE: April 1 - November 30

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	30.3	ACRES IRRIGATION
NW ¼ SW ¼	40.0	ACRES IRRIGATION
SW ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	39.0	ACRES IRRIGATION

SECTION 11

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

NE ¼ NW ¼	39.0	ACRES IRRIGATION
NW ¼ NW ¼	39.4	ACRES IRRIGATION
SW ¼ NW ¼	14.0	ACRES IRRIGATION
SE ¼ NW ¼	33.0	ACRES IRRIGATION

SECTION 14

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

- 10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **11**
Walton claim

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet from natural overflow from Williamson River, tributary to Upper Klamath Lake, for irrigation of 40.0 acres, stockwater, and wildlife habitat.
4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **12**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Diane Taylor
Dennis Ranch

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 19, 1990.
3. The claim is for a total of 17.9 cubic feet per second from various points of diversion located on Williamson River, tributary to Klamath River, and Irving Creek and Jackson Creek, tributaries to Williamson River, for irrigation of 1035.2 acres and livestock.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 0.7 acres

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

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 24, Township 30 South,

Range 11 East, W.M.

SOURCE: Irving Creek, tributary to Williamson River

USE: irrigation of 143.2 acres

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

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 24

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

LOT 2 SW ¼ NW ¼ 8.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 19

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

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

SOURCE: Jackson Creek, tributary to Williamson River

USE: irrigation of 9.4 acres

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

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land described in item 9 above were formerly owned by a Klamath Indian. The record does not contain evidence that other claimed lands were formerly owned by a Klamath Indian.
 - c. The record does not describe the extent of use by previous Indian owners of the property. However, the water use described in item 9 above was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. The record does not contain evidence of diligent development on other claimed lands.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **13**
Walton claim

Current Claimant(s) of Record:

Steven Lawrence
60 Jennifer Lane
Alamo CA 94507

Original Claimant(s):

Steven Lawrence

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 3.8 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath River, for irrigation of 152.4 acres and livestock.
4. The claimed period of use is April through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which partially supports the claim, but which indicates that the delivery system carries water to a lesser northern extremity than that required by the claimed acreage.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 50.4 acres and livestock

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

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 36

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

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **14**
Walton Claim

Current Claimant(s) of Record:

Royse Loving Trust
539 Girard Circle
Medford OR 97504

Original Claimant(s):

R. Raymond Royse
Jessie P. Royse

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

FINDINGS OF FACT

1. The claim was filed on November 13, 1990.
2. The claim was withdrawn on November 8, 1993.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **15**
Walton Claim

Current Claimant(s) of Record:

Royse Loving Trust
539 Girard Circle
Medford OR 97504

Original Claimant(s):

R. Raymond Royse
Jessie P. Royse

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

FINDINGS OF FACT

1. The claim was filed on November 13, 1990.
2. The claim was withdrawn on November 8, 1993.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **16**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Connie R Gomez

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 0.03 cubic feet per second from one point of diversion located on Sand Creek, tributary to Williamson River, for irrigation of 1.3 acres.
4. The claimed period of use is March 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **17**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Donald V Greene
Greene, Berniel

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 6, 1990.
3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Sand Creek, tributary to Upper Klamath Marsh, for livestock.
4. The claimed period of use is May 1 through September 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not refute the claim.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

SOURCE: Sand Creek, tributary to Williamson River

USE: livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 19
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 21
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. The claimed use was fully developed by the last Indian owners of the property, Bob Farris and Ruth Shadley Farris, prior to their sale of the property circa 1973.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **18**
Walton claim

Current Claimant(s) of Record:

John M Mosby
Mosby, Marilyn
526 Mercury
Lompoc CA 93436

Original Claimant(s):

John M Mosby
Mosby, Marilyn

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 77.73 cubic feet per second from four points of diversion located on Scott Creek, tributary to Sand Creek, Sand Creek, tributary to Williamson River, and Williamson River, tributary to Klamath River, for irrigation of 5376.7 acres.
4. The claimed period of use is April through October.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **19**
Walton claim

Current Claimant(s) of Record:

Scott Runels
Margie Runels
HC 63 Box 305
Chiloquin OR 97624

Original Claimant(s):

Scott Runels
Margie Runels

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 5742.5 acre-feet from two points of diversion located on Scott Creek tributary to Sand Creek, and Sand Creek, tributary to Williamson River, for irrigation of 1208.1 acres.
4. The claimed period of use is March 15 - November 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

- 6. The Department performed a field inspection which found the use as claimed.
- 7. The delivery system has the capacity to deliver the claimed amount.
- 8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

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

POINT OF DIVERSION LOCATIONS:

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

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

USE: irrigation of 1208.1 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	40.0	ACRES IRRIGATION
NW ¼ NE ¼	40.0	ACRES IRRIGATION
SW ¼ NE ¼	40.0	ACRES IRRIGATION
SE ¼ NE ¼	40.0	ACRES IRRIGATION
NE ¼ NW ¼	40.0	ACRES IRRIGATION
SE ¼ NW ¼	40.0	ACRES IRRIGATION
NE ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	34.3	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION

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

SECTION 18

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

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

SECTION 19

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

11. The elements for a *Walton* right are established for this claim. Therefore, the claim is

approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **20**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Savanah Land Co.
Bernard C. Davis

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.
3. The claim is for a total of 2 acre-feet from natural overflow and flooding from Williamson River and Big Spring Creek, tributary to Klamath River, for wildlife.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **21**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Edward & Merrie Tompkins
T/S Ranch

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3 acre-feet from natural overflow located on Cow Creek, Big Springs Creek and unnamed artesian springs, tributary to Williamson River, for irrigation of 2,631.1 acres, wildlife and 1300 head livestock. No additional water is claimed for wildlife and livestock use.
4. The claimed period of use is April 1 through November 15 for livestock. During June 15

through November 15, “the drains are checked up to raise the water table and provide irrigation.”

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

FINDINGS OF FACT

6. The Department performed a field inspection which supports a portion of the claim.
7. There are no artificial diversion structures. The irrigation is accomplished by means of natural overflow. There is a canal system which controls the water. Headgates on the canals are closed to hold the water on the pasture. Livestock drink directly from the canals and potholes fed by springs. Livestock have direct access to Cow Creek.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

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

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

USE: irrigation of 2241.1 acres and livestock

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

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¹ / ₄ SW ¹ / ₄	1.8	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ SW ¹ / ₄	8.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 22

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ NW ¹ / ₄	33.6	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 27

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE ¹ / ₄ NE ¹ / ₄	8.8	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NE ¹ / ₄	18.4	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NE ¹ / ₄	36.8	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NW ¹ / ₄	7.2	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SW ¹ / ₄	36.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SW ¹ / ₄	10.4	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ SE ¹ / ₄	36.8	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	0.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	14.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 28

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

SW ¹ / ₄ NE ¹ / ₄	4.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NW ¹ / ₄ SE ¹ / ₄	34.8	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¹ / ₄ NE ¹ / ₄	24.6	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¹ / ₄ SE ¹ / ₄	41.1	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NE ¹ / ₄ SE ¹ / ₄	41.8	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¹ / ₄ SE ¹ / ₄	39.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK

NW ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NW ¹ / ₄ NW ¹ / ₄	21.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¹ / ₄ NW ¹ / ₄	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW ¹ / ₄ SW ¹ / ₄	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 5 SW ¹ / ₄ SW ¹ / ₄	39.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6 SW ¹ / ₄ SE ¹ / ₄	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SE ¹ / ₄ SE ¹ / ₄	39.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

NE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¹ / ₄ SW ¹ / ₄	39.9	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¹ / ₄ SW ¹ / ₄	39.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 34

TOWNSHIP 30 SOUTH RANGE 8 EAST, W.M.

SW ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ NW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ SW ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¹ / ₄ SE ¹ / ₄	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¹ / ₄ NE ¹ / ₄	36.3	ACRES IRRIGATION AND LIVESTOCK

LOT 2 NW ¹ / ₄ NE ¹ / ₄	36.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¹ / ₄ NW ¹ / ₄	36.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW ¹ / ₄ NW ¹ / ₄	36.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 4

TOWNSHIP 31 SOUTH RANGE 8 EAST, W.M.

NW¹/₄ LIVESTOCK
SE¹/₄ LIVESTOCK
SECTION 5

TOWNSHIP 31 SOUTH RANGE 8 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for irrigation and livestock was used by the last Indian owner of the property. However, the record does not establish intent by the last Indian owner to utilize the natural overflow for wildlife.
- d. Water for irrigation and livestock was used by non-Indian owners of the property after transfer from the last Indian owner. However, the record does not establish that intent to utilize the natural overflow for wildlife use existed within a reasonable period of time after transfer from the last Indian owner

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **22**
Walton claim

Current Claimant(s) of Record:

Donal Dean
PO Drawer F
Merrill OR 97633

Original Claimant(s):

Donal Dean

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 10.05 cubic feet per second from six points of diversion located on Aspen Creek, Deep Creek, Williamson River, tributary to Klamath River, for irrigation and for a total of 70 gallons per minute for 400 head of livestock.
4. The claimed period of use is April 15 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the rate claimed.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

For irrigation use:

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

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

POINT OF DIVERSION LOCATION:

Aspen Creek #2: SE¹/₄ SW¹/₄, Section 20, Township 31 South, Range 11 East, W.M.
 Deep Creek #3: NW¹/₄ SW¹/₄, Section 22, Township 31 South, Range 11 East, W.M.

SOURCE: Aspen Creek and Deep Creek, tributary Williamson River

USE: irrigation of 64.4 acres

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

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¹/₄ SW ¹/₄ 6.0 ACRES IRRIGATION
 SE ¹/₄ SW ¹/₄ 18.4 ACRES IRRIGATION

SECTION 20

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

NE ¹/₄ NW ¹/₄ 5.2 ACRES IRRIGATION
 NW ¹/₄ NW ¹/₄ 13.2 ACRES IRRIGATION
 SW ¹/₄ NW ¹/₄ 21.6 ACRES IRRIGATION

SECTION 29

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

POINT OF DIVERSION LOCATION:

Aspen Creek #1: SE¹/₄ NW¹/₄, Section 21, Township 31 South, Range 11 East, W.M.

Aspen Creek #2: SE¹/₄ SW¹/₄, Section 20, Township 31 South, Range 11 East, W.M.
Deep Creek #3: NW¹/₄ SW¹/₄, Section 22, Township 31 South, Range 11 East, W.M.

SOURCE: Aspen Creek and Deep Creek, tributary Williamson River

USE: irrigation of 131.1 acres

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

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¹ / ₄ NW ¹ / ₄	0.1	ACRES IRRIGATION
NE ¹ / ₄ SW ¹ / ₄	0.8	ACRES IRRIGATION
NW ¹ / ₄ SW ¹ / ₄	29.2	ACRES IRRIGATION
SW ¹ / ₄ SW ¹ / ₄	7.2	ACRES IRRIGATION

SECTION 29

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

SE ¹ / ₄ NE ¹ / ₄	0.6	ACRES IRRIGATION
NE ¹ / ₄ SE ¹ / ₄	8.8	ACRES IRRIGATION
SW ¹ / ₄ SE ¹ / ₄	24.8	ACRES IRRIGATION
SE ¹ / ₄ SE ¹ / ₄	24.0	ACRES IRRIGATION
LOT 3 NE ¹ / ₄ SW ¹ / ₄	5.6	ACRES IRRIGATION
LOT 4 SE ¹ / ₄ SW ¹ / ₄	24.0	ACRES IRRIGATION

SECTION 30

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

NW ¹ / ₄ NE ¹ / ₄	5.8	ACRES IRRIGATION
LOT 1 NE ¹ / ₄ NW ¹ / ₄	0.2	ACRES IRRIGATION

SECTION 31

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

POINT OF DIVERSION LOCATION:

Deep Creek #5: NE¹/₄ NE¹/₄, Section 31, Township 31 South, Range 11 East, W.M.

Williamson River: Lot 3 NE¹/₄ SE¹/₄, Section 31, Township 31 South, Range 11 East,

W.M.

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

USE: irrigation of 48.0 acres

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

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 4 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.8 ACRES IRRIGATION
SECTION 30
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

LOT 1 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.2 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:

Deep Creek #5: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 31 South, Range 11 East, W.M.

SOURCE: Deep Creek, tributary Williamson River

USE: irrigation of 14.0 acres

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

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.0 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION:

Deep Creek #4: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 31 South, Range 11 East, W.M.

SOURCE: Deep Creek, tributary Williamson River

USE: irrigation of 150.4 acres

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

PERIOD OF USE: March 1-October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW¹/₄ SE ¹/₄ 0.8 ACRES IRRIGATION
SECTION 29
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NE¹/₄ NE ¹/₄ 20.4 ACRES IRRIGATION
SW¹/₄ NE ¹/₄ 0.4 ACRES IRRIGATION
SE¹/₄ NE ¹/₄ 24.0 ACRES IRRIGATION
NE¹/₄ SE ¹/₄ 10.4 ACRES IRRIGATION
NW¹/₄ SE ¹/₄ 28.0 ACRES IRRIGATION
SECTION 31
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

NW¹/₄ NE ¹/₄ 6.0 ACRES IRRIGATION
NE¹/₄ NW ¹/₄ 11.2 ACRES IRRIGATION
NW¹/₄ NW ¹/₄ 20.8 ACRES IRRIGATION
SW¹/₄ NW ¹/₄ 21.6 ACRES IRRIGATION
SE¹/₄ NW ¹/₄ 6.8 ACRES IRRIGATION
SECTION 32
TOWNSHIP 31 SOUTH, RANGE 11 EAST, W.M.

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

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

USE: livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

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

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

NE¼ NE ¼ LIVESTOCK
NW¼ NE ¼ LIVESTOCK
SW¼ NE ¼ LIVESTOCK
SE¼ NE ¼ LIVESTOCK
NE¼ SE ¼ LIVESTOCK
NW¼ SE ¼ LIVESTOCK

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

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **24**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

L H Ranch Inc.

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.
3. The claim is for a total of 21.5 cubic feet per second (cfs) from two points of diversion, located on Coyote Creek and Long Creek, tributaries to Sycan River, for irrigation of 864.4 acres.
4. The claimed period of use is April 1 through October 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

SOURCE: Long Creek, tributary to Sycan River

USE: irrigation of 806.1 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 34

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

SW ¼ NW ¼	21.7	ACRES IRRIGATION
NW ¼ SW ¼	40.0	ACRES IRRIGATION

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

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

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

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

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

SOURCE: Coyote Creek, tributary to Long Creek

USE: irrigation of 58.3 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NW ¼ 40.0 ACRES IRRIGATION

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The subject property was comprised of several parcels of lands which passed from Indian ownership in the years ranging from 1914 to 1928.
 - c. The water use was not developed at the time of transfer.
 - d. The first non-Indian purchaser was Mr. James M. Small. The water use was diligently developed thereafter.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **25**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Martin Lester Pernoll M D

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.
3. The claim is for a total of 23.31 cubic feet per second from two points of diversion located on Long Creek and Coyote Creek, tributary to Sycan River, for irrigation of 932.4 acres.
4. The claimed period of use is April 1 to October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

SOURCE: Coyote Creek, tributary to Sycan River

USE: irrigation of 39.7 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NE ¼	0.8	ACRES IRRIGATION
NE ¼ NW ¼	35.4	ACRES IRRIGATION
SE ¼ NW ¼	3.5	ACRES IRRIGATION

SECTION 35

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

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

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

SOURCE: Long Creek, tributary to Sycan River

USE: irrigation of 892.7 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

SECTION 35

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

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

SECTION 2

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

SW ¼ NE ¼	15.3	ACRES IRRIGATION
SE ¼ NE ¼	36.1	ACRES IRRIGATION
SW ¼ NW ¼	15.5	ACRES IRRIGATION
SE ¼ NW ¼	25.9	ACRES IRRIGATION
LOT 1 NE ¼ NE ¼	27.7	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	28.5	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	34.0	ACRES IRRIGATION

LOT 4 NW ¼ NW ¼ 20.7 ACRES IRRIGATION
SECTION 3
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner in 1900.
 - c. Water for the claimed use was not used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. Development of the land appurtenant to the claim began in 1905.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **26**
Walton claim

Current Claimant(s) of Record:

Cecil Saxon
4740 Main St Suite A
Springfield OR 97477

Original Claimant(s):

Cecil Saxon

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 1.43 cubic feet per second from three points of diversion located on an unnamed spring, Coyote Creek and West Long Creek, tributary to Sycan Creek, for irrigation of 57.2 acres.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **27**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Alvin R Marengo
Marengo, Peggy A

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 5.95 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath Lake, for irrigation of 238.2 acres.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **28**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Cliff Ambers
Cliff Ambers Chapman

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 15, 1991.
3. The claim is for a total of 5.78 cubic feet per second from one point of diversion located on Hog Creek, tributary to Williamson River, for irrigation of 212.3 acres.
4. The claimed period of use is March 1 through October 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **29**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

James L Chapman

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.
3. The claim is for a total of 4500 gallons per day from Williamson River, tributary to Klamath River, for 300 head of livestock.
4. The claimed period of use is April 1 through December 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The livestock drink directly from the Williamson River.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

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

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. Claimants father, Jack R. Chapman bought the subject property on June 12, 1957 from Old Isaac and Natgolis, Isaac, Klamath Indians.
 - c. Klamath Tribe members used the subject property to raise cattle, evidenced by cattle signs and old corrals.

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

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey". The signature is written in a cursive style and is positioned above a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **30**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Alvin R Marengo
Marengo, Peggy A

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 10.7 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 857.6 acres.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **31**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

J-Spear Ranch
Thomas J Shaw

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet from natural overflow from Unnamed creek and springs, tributary to Williamson River, for irrigation of 80.0 acres, livestock, and wildlife.
4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **32**
Walton claim

Current Claimant(s) of Record:

Thomas J Shaw
PO Box 257
Klamath Falls OR 97601

Original Claimant(s):

Thomas J Shaw

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet from natural overflow from Unnamed creeks and springs, Williamson River, tributary to Klamath Lake, for irrigation of 135.0 acres, stockwater, and wildlife habitat.
4. The claimed period of use is December 1 to July 1 for irrigation, April 15 to November 15 for stockwater, and year round for wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that intent to utilize the natural overflow existed within a reasonable period of time after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **33**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Dayton O Hyde
Gerda V Hyde

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 24.03 cubic feet per second from 11 points of diversion located on Williamson River, Haystack Draw, Bull Pasture Draw and Springs, tributary to Upper Klamath Lake, for irrigation of 1402.7 acres.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION:

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

SOURCE: Haystack Draw, tributary to Williamson River

USE: irrigation of 13.8 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 1.0 ACRE IRRIGATION
SW ¼ SE ¼ 6.4 ACRES IRRIGATION

SECTION 18

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

NW ¼ NE ¼ 4.0 ACRES IRRIGATION
NE ¼ NW ¼ 2.4 ACRES IRRIGATION

SECTION 19

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

POINT OF DIVERSION LOCATIONS:

POD #3 - Sand Creek: NW ¼ NE ¼, Section 8, Township 32 South, Range 11 East, WM

POD #4 - Sand Creek: SE ¼ SW ¼, Section 5, Township 32 South, Range 11 East, WM

POD #5 - spring-fed channel to Williamson River:

SW ¼ NW ¼, Section 9, Township 33 South, Range 11 East, WM

POD #X-12 - spring-fed channel, headwaters of the Williamson River:

NE ¼ NW ¼, Section 9, Township 33 South, Range 11 East, WM

POD #6 - spring-fed channel, headwaters of the Williamson River:

SW ¼ SW ¼, Section 4, Township 33 South, Range 11 East, WM

POD #7 - Williamson River:

LOT 1 NE ¼ NE ¼, Section 5, Township 33 South, Range 11 East, WM

POD #8 - Williamson River:

NW ¼ SE ¼, Section 29, Township 32 South, Range 11 East, WM

POD #X-15 - Williamson River:

SE ¼ SW ¼, Section 20, Township 32 South, Range 11 East, WM

POD #9 - Williamson River:

SW ¼ NW ¼, Section 20, Township 32 South, Range 11 East, WM

POD #10 - Bull Pasture Draw:

NE ¼ NE ¼, Section 31, Township 32 South, Range 11 East, WM

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

USE: irrigation of 1387.9 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼	1.6	ACRES IRRIGATION
SW ¼ NW ¼	11.2	ACRES IRRIGATION

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

SECTION 17

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

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

SECTION 20

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

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

SECTION 29

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

SE ¼ SE ¼ 2.4 ACRES IRRIGATION

SECTION 30

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

NE ¼ NE ¼ 3.2 ACRES IRRIGATION

SECTION 31

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

NE ¼ NE ¼ 9.6 ACRES IRRIGATION

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

SECTION 32

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

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

SECTION 4

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

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

SECTION 5

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

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

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

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

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

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **34**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

The Nature Conservancy

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 413.77 cubic feet per second from five points of diversion located on Pole Creek, tributary to Dry Creek, Dry Creek, Coyote Creek, and Long Creek, tributaries to Sycan River, and Sycan River, tributary to Sprague River, for irrigation of 9790.3 acres and livestock watering for 4540 head.
4. The claimed period of use is March 1 - October 31 for irrigation, and March 1 - November 30 for livestock.
5. The claimed priority date is October 14, 1864.

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

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.
8. The delivery system has the capacity to deliver the claimed amount.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

SOURCES AND POINT OF DIVERSION LOCATIONS:

Sycan River, tributary to Sprague River:

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

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

6000 feet east and 3240 feet north of the SW corner
3760 feet east and 3200 feet north of the SW corner
2920 feet east and 4800 feet north of the SW corner

Section 3, Township 33 South, Range 13 East, W.M.

AL Creek, tributary to Sycan River:

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

Chocktoot Creek, tributary to Sycan River:

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

Shake Creek, tributary to Sycan River:

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

Rock Creek, tributary to Sycan River:

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

Knoll Creek, tributary to Sycan River:

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

Dry Creek, tributary to Sycan River:

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

Long Creek, tributary to Sycan River:

1880 feet west and 2160 feet south of the NE corner

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

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

Coyote Creek, tributary to Sycan River:

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

Pole Creek, tributary to Sycan River:

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

Divide Creek, tributary to Sycan River:

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

ZX Creek, tributary to Sycan River:

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

Unnamed Creeks:

1880 feet west and 5760 feet north of the SE corner
2440 feet west and 3640 feet north of the SE corner

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

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

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

USE: livestock watering for 4540 head

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 23
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 24
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$

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

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

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

SECTION 26
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

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

SECTION 27
TOWNSHIP 31 SOUTH, RANGE 13 EAST, W.M.

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

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

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

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 36

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

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 1

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

NW ¼ SE ¼
SECTION 3

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

NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10

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

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

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

SECTION 11

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

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

SECTION 12

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

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 13
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 14
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 15
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$

SE ¼ NE ¼
NE ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 22

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

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 23

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

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

SE ¼ SE ¼
SECTION 24
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

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

SECTION 25
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

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

SECTION 26
TOWNSHIP 32 SOUTH, RANGE 13 EAST, W.M.

NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NW ¼

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

SECTION 27

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

NE ¼ NE ¼

SECTION 28

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

NE ¼ NE ¼

SE ¼ NE ¼

NE ¼ SE ¼

SE ¼ SE ¼

SECTION 33

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

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 34

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

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
SECTION 35

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

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SECTION 36

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

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SECTION 2

TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 3

TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼
NW ¼ NE ¼

SW ¼ NE ¼
SECTION 10
TOWNSHIP 33 SOUTH, RANGE 13 EAST, W.M.

11. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for livestock watering was used by the last Indian owner of the property, or was developed by non-Indian owners of the property after transfer from the last Indian owner.
 - d. The record does not establish that water for irrigation was used by the last Indian owner of the property, or that it was developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for a portion of this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **37**
Walton claim

Current Claimant(s) of Record:

James G Grimes
11990 Hwy
Klamath Falls OR 97603

Original Claimant(s):

James G Grimes

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 23, 1990.
3. The claim is for a total of 0.48 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 19.2 acres.
4. The claimed period of use is June 1 through September 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **38**
Walton Claim

Current Claimant(s) of Record:

Lawrence Hall
Ann Hall
PO Box 552
Fort Klamath OR 97626

Original Claimant(s):

Lawrence Hall
Ann Hall

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

FINDINGS OF FACT

1. The claim was filed on December 6, 1990.
2. The claim was withdrawn on March 11, 1994.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **39**
Walton claim

Current Claimant(s) of Record:

Patrick J Kenneally
Kenneally, Pauline Mary and Christine
Margaret
PO Box 525
Fort Klamath OR 97626

Original Claimant(s):

Patrick J Kenneally
Kenneally, Pauline Mary and Christine
Margaret

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 12, 1990.
3. The claim is for a total of 1.0 cubic feet per second from one point of diversion located on unnamed Spring, tributary to Klamath River, for irrigation and livestock.
4. The claimed period of use is April 1 through October 1 for irrigation and year around for livestock.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **41**
Walton claim

Current Claimant(s) of Record:

Lloyd Nicholson Trust
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Lloyd Nicholson Trust
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 7.75 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 114.8 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey". The signature is written in a cursive style and is positioned above a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **45**
Walton claim

Current Claimant(s) of Record:

Roger Nicholson
Richard Nicholson
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson
Richard Nicholson
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 2 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.

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

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **46**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson
Dorothy Nicholson Trust

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood Creek, for irrigation of 1 acre, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **48**
Walton claim

Current Claimant(s) of Record:

Doug Jackson
Cell Tech
1360 S 6th St
Klamath Falls OR 97601

Original Claimant(s):

Randy S. Sparacino
Cynthia L. Sparacino
Bradford J. Aspell
Della-Rose Aspell
Richard Aspell
Anadromous, Inc.

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for an unspecified amount of water from four points of diversion located on Fort Creek, Short Creek and Unnamed Creek, tributary to Wood River, for irrigation of 32 acres, domestic, stock, and aquaculture.
4. The claimed period of use is May 1 through September 30 for irrigation, May 1 through

December 31 for stock, and year round for domestic and aquaculture.

5. No priority date was specified.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **49**
Walton claim

Current Claimant(s) of Record:

Kenneth L Tuttle
Karen L Tuttle
1696 Cove Point Rd
Klamath Falls OR 97601

Original Claimant(s):

Kenneth L Tuttle
Karen L Tuttle

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 14 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 407.2 acres.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is “prior to 1909”.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written in black ink on a white background.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **50**
Walton claim

Current Claimant(s) of Record:

Raymond J Driscoll
Barbara A Driscoll
HC 30 Box 138 G
Chiloquin OR 97624

Original Claimant(s):

Raymond J Driscoll
Barbara A Driscoll

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 28, 1990.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on unnamed Spring, tributary to Crooked Creek, for domestic including lawn and garden.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The water for the claimed domestic and irrigation uses was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner for domestic use.
 - e. The claimed use, bottling water for commercial sale, is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

CONCLUSION

7. The required Walton elements are not established for this claim. Therefore, the claim is denied.
8. The claimed use of water bottling is not a primary purpose for which the reservation was established. Therefore, this claim is denied.
9. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **51**
Walton claim

Current Claimant(s) of Record:

Kurt Gruen
HC 30 Box 138A
Chiloquin OR 97624

Original Claimant(s):

Kurt Gruen

The general location of the claimed use is Township 34 South, Range 7.5 East and Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 4, 1990.
3. The claim is for a total of 1 cubic feet per second from one point of diversion located on Agency Spring and Creek, tributary to Agency Lake, for irrigation of 38.9 acres.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **53**
Walton claim

Current Claimant(s) of Record:

James Root
Valerie Root
216 Mariposa Terrace
Medford OR 97501

Original Claimant(s):

Ambrose W McAuliffe
Susan McAuliffe

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 45.0 cubic feet per second from one point of diversion from Agency Spring, tributary to Wood River, for irrigation of 340.0 acres, livestock, and fish and wildlife uses.
4. The claimed period of use is April 1 through November 31 for irrigation, and year round for livestock, and fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **54**
Walton claim

Original Claimant(s):

Richard E Siemens & Theodore E Siemens
dba Siemens Farms

Current Claimant(s) of Record:

Yeugeny & Luba Kaplun
2040 W Middlefield Rd #16
Mountain View, CA 94043

William G &
Maureen Shaffer
5106 Terramar Way
Oxnard, CA 93035

Dennis E & Phyllis C Odell
1837 Tioga Way
San Jose, CA 95124

Harry E Fuqua II
24629 Stonegate Dr
West Hills, CA 91304

Thomas E & Sallie McKelvey
341 Saratoga Glen
Escondido, CA 92025

McManus Family Trust
23561 E Coyote Springs Dr
Diamond Bar, CA 91765

Daniel Warren &
Mary Lezotte
1519 Cowper Court
San Jose, CA 95120

George R Jr &
Sharon Pedranti
4111 Wakfield Loop
Fremont, CA 94535

Yoshitaka K &
Keiko Taniguchi
3109 Pepita Ct
San Jose, CA 95132

James E & Karen L Ellis
Ellis Family Trust
25662 Bradford Lane
Laguna Hills, CA 92653

Gilbert L &
Jean C Thompson
5762 Middlecoff Dr
Huntington Beach, CA 92647

H Deborah Moruss
6141 Choctaw Dr
Westminster, CA 92683

David & Lydia Barta
2376 Walden Square
San Jose, CA 95124

David T & Ann M Garrett

11889 Helmer Lane
San Diego, CA 92131

Thomas A &
Yvonne Henderson
8762 Acacia Av
Garden Grove, CA 92841

Scherl Family Trust
11215 Poche Pt
San Diego, CA 92131

Richard J &
Joan Swiatkowski
14038 Arbolitos Dr
Poway, CA 92064

David J & Joan B Schrodi
847 Nisqually Dr
Sunnyvale, CA 94087

Charles E Coker
24334 Dale Dr
Laguna Hills, CA 92653

Bongerz Family Trust
2544 Buena Flores
Fallbrook, CA 92028

The general location of the claimed use is Townships 34 & 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.
3. The claim is for a total of 600 gallons per minute from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 97.2 acres.
4. The claimed period of use is May through October.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 6, Township 35 South, Range 7 East, W.M.

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: irrigation of 97.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.34 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	15.4	ACRES IRRIGATION
SW ¼ SE ¼	28.6	ACRES IRRIGATION
SE ¼ SE ¼	6.5	ACRES IRRIGATION

SECTION 31

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

LOT 1 NE ¼ NE ¼	12.3	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	22.5	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	11.9	ACRES IRRIGATION

SECTION 6

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **55**
Walton claim

Current Claimant(s) of Record:

Kenneth L Tuttle
Karen L Tuttle
1696 Cove Point Rd
Klamath Falls OR 97601

Original Claimant(s):

Kenneth L Tuttle
Karen L Tuttle

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

This preliminary evaluation takes into consideration all information available as of September 1, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 9.46 cubic feet per second from three points of diversion located on Spring Creek and two springs, tributary to Williamson River, for irrigation of 318.9 acres.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

- 6. The Department performed a field inspection which found the use as claimed.
- 7. The delivery system has the capacity to deliver the claimed amount.
- 8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 9, Township 34 South, Range 7 East, W.M.

SOURCE: Spring Creek, tributary to Williamson River

USE: irrigation of 142.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.56 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼	36.6	ACRES IRRIGATION
SW ¼ SW ¼	20.4	ACRES IRRIGATION
LOT 3 NW ¼ NW ¼	5.7	ACRES IRRIGATION
LOT 4 SW ¼ NW ¼	17.8	ACRES IRRIGATION
LOT 7 NE ¼ SW ¼	0.7	ACRES IRRIGATION
LOT 8 SE ¼ SW ¼	10.3	ACRES IRRIGATION
SECTION 15		
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.		

NE ¼ NE ¼ 11.5 ACRES IRRIGATION
SE ¼ NE ¼ 10.2 ACRES IRRIGATION
NE ¼ SE ¼ 0.4 ACRES IRRIGATION

SECTION 16

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NW ¼ 13.1 ACRES IRRIGATION
SW ¼ NW ¼ 0.1 ACRES IRRIGATION
LOT 2 NE ¼ NW ¼ 14.4 ACRES IRRIGATION
LOT 3 SE ¼ NW ¼ 1.1 ACRES IRRIGATION

SECTION 22

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 11, Township 34 South,
Range 7 East, W.M.

SOURCE: Spring #2, tributary to Williamson River

USE: irrigation of 117.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.94 cubic feet per second, measured
at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 17.7 ACRES IRRIGATION
SW ¼ SW ¼ 1.0 ACRES IRRIGATION

SECTION 14

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼ 1.9 ACRES IRRIGATION
SE ¼ SW ¼ 8.0 ACRES IRRIGATION
NE ¼ SE ¼ 19.8 ACRES IRRIGATION
NW ¼ SE ¼ 19.4 ACRES IRRIGATION
SW ¼ SE ¼ 27.0 ACRES IRRIGATION
SE ¼ SE ¼ 19.0 ACRES IRRIGATION

SECTION 15

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NE ¼ 0.7 ACRES IRRIGATION
NE ¼ NW ¼ 3.0 ACRES IRRIGATION

SECTION 22

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

POINT OF DIVERSION LOCATION: Spring #1 - SW ¼ SW ¼, Section 14, Township 34 South, Range 7 East, W.M. and Spring #2 - SW ¼ SW ¼, Section 11, Township 34 South, Range 7 East, W.M.

SOURCE: commingled waters of Spring #1 and Spring #2, tributaries to Williamson River

USE: irrigation of 59.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.48 cubic feet per second, measured at the point of diversion (this is less than the amount claimed)

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 1.0 ACRES IRRIGATION
SW ¼ SE ¼ 0.8 ACRES IRRIGATION
SE ¼ SE ¼ 4.9 ACRES IRRIGATION

SECTION 15

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼ 5.8 ACRES IRRIGATION
NW ¼ NE ¼ 31.0 ACRES IRRIGATION
LOT 2 NE ¼ NW ¼ 15.6 ACRES IRRIGATION

SECTION 22

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **56**
Walton claim

Current Claimant(s) of Record:

Robert M Wampler
PO Box 285
Chiloquin OR 97624

Original Claimant(s):

Robert M Wampler

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.
3. The claim is for a total of 0.63 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 25.3 acres.
4. The claimed period of use is May 1 through September 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.
7. The delivery system has the capacity to deliver 0.57 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 17, SE ¼ NE ¼, Section 34, Township 34 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 25.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.57 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 SW ¼ NE ¼	10.1	ACRES	IRRIGATION
LOT 17 SE ¼ NE ¼	2.0	ACRES	IRRIGATION
LOT 18 SW ¼ NE ¼	2.0	ACRES	IRRIGATION
LOT 19 SW ¼ NE ¼	11.2	ACRES	IRRIGATION
SECTION 34			
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.			

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner on January 25, 1973.

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

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **57**
Walton claim

Current Claimant(s) of Record:

Dorothy Nicholson Trust
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Dorothy Nicholson Trust

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 4.2 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 41.2 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **58**
Walton claim

Current Claimant(s) of Record:

Lawrence Hall
Ann Hall
PO Box 552
Fort Klamath OR 97626

Original Claimant(s):

Harry O. Elliott
Alma M. Elliott

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 20, 1990.
3. The claim is for a total of 0.19 cubic feet per second from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 7.6 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **59**
Walton claim

Current Claimant(s) of Record:

Jack Owens Ranches; c/o Jerry Hawkins
2200 Los Viboras Rd
Hollister CA 95023

Original Claimant(s):

Jack Owens Ranches; c/o Jerry Hawkins

The general location of the claimed use is Township 33 South, Range 7.5 East and Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.
3. The claim is for a total of 7.23 cubic feet per second from Unnamed Spring, tributary to Crooked Creek; Fort Creek (through Fort Creek Canal), tributary to Wood River; and Crooked Creek, tributary to Wood River for irrigation of 276.6 acres.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written in black ink on a white background.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **60**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 2.6 cubic feet per second from Crooked Creek and Fort Creek, tributaries to Wood River, for irrigation of 80.0 acres and livestock.
4. The claimed period of use is May 1 through October 1 for irrigation and year round for livestock.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written in black ink on a white background.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **61**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 8.5 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 88.8 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **62**
Walton claim

Current Claimant(s) of Record:

Richard Nicholson
Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Richard Nicholson
Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 9.3 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 160 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **63**
Walton claim

Current Claimant(s) of Record:

Roger Nicholson
PO Box 458
Fort Klamath OR 97626

Original Claimant(s):

Roger Nicholson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 10 cubic feet per second from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 237.3 acres, stock, and fish and wildlife.
4. The claimed period of use is April 1 through November 1 for irrigation, year round for stock, and year round for fish and wildlife.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written in black ink on a white background.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **64**
Walton claim

Current Claimant(s) of Record:

Owens and Hawkins
c/o Jerry Hawkins
2200 Los Viboras Rd
Hollister CA 95023

Original Claimant(s):

Owens and Hawkins
c/o Jerry Hawkins

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 18, 1991.
3. The claim is for a total of 29.06 cubic feet per second from Fort Creek and Crooked Creek, tributary to Wood River and Wood River, tributary to Upper Klamath Lake, for irrigation of 1123.3 acres.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **66**
Walton claim

Current Claimant(s) of Record:

Stephen S. Napier and Mary Anna Napier
6415 Corsini Pl
Rancho Palos Verdes CA 90274

Original Claimant(s):

Jack F. Simington

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 0.225 cubic feet per second from three points of diversion located on Tecumsah Spring, Crooked Creek and Fort Creek, tributary to Agency Lake, for irrigation of 15 acres.
4. The claimed period of use is April 1 through November 30 for irrigation, year round for domestic use.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written in black ink on a white background.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **67**
Walton claim

Current Claimant(s) of Record:

Kurt C Thomas
Melinda A Thomas
5800 Georgia Dr
Bakersfield CA 93308

Original Claimant(s):

Kurt C Thomas
Melinda A Thomas

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3 acre-feet from three points of diversion located on Fort Creek, Crooked Creek and Wood River, tributary to Agency Lake, Klamath Lake and Klamath River, for irrigation of 1515.6 acres and livestock.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is written in black ink and is positioned to the right of the date.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **68**
Walton claim

Current Claimant(s) of Record:

Dorothy Buchanan
13851 Algoma Rd
Klamath Falls OR 97601

Original Claimant(s):

Dorothy Buchanan

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 8, 1990.
3. The claim is for a total of 7.39 cubic feet per second from one point of diversion located on Whitehorse Spring, tributary to Sprague River, for domestic, livestock, and irrigation of 294.5 acres.
4. The claimed period of use is April 1 through December 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For domestic:

RATE: 0.01 cfs/home

SEASON: January 1 - December 31

For livestock:

RATE: 12 gpd/head

SEASON: January 1 - December 31

For irrigation:

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

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

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 34 South, Range 8 East, W.M.

SOURCE: Whitehorse Spring, tributary to Sprague River

PRIORITY DATE: October 14, 1864

USE: domestic

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

PERIOD OF USE: January 1 - December 31

PLACE OF USE:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ DOMESTIC
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

USE: livestock for 600 head

AMOUNT ACTUALLY BENEFICIALLY USED: 7200 gallons per day, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: January 1 - December 31

USE: irrigation of 294.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 7.36 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PLACE OF USE:

SW ¼ SE ¼ 1.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 15
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 2.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.8 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 29.4 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 13.4 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 30.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 7.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 18.6 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 38.1 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 2.5 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 5.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 35.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 24.3 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 6.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian

Reservation.

- b. George and Hilda Hagelstein, the claimant's parents, purchased the land appurtenant to the claim from Wade Crawford, a Klamath Indian, in the 1940's.
- c. Wade Crawford was irrigating the property at the time of the ownership transfer.
- d. The Hagelstein's and subsequently, the claimant, have continued to irrigate the property with improvements, specifically rerouting of the northerly ditch for more efficient irrigation and the addition of pumps.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **69**
Walton claim

Current Claimant(s) of Record:

Dorothy Buchanan
Glenda Buchanan
Robert Buchanan
Ruth Hagelstein
13851 Algoma Rd
Klamath Falls OR 97601

Original Claimant(s):

Dorothy Buchanan
Glenda Buchanan
Robert Buchanan
Ruth Hagelstein

The general location of the claimed use is Township 34 South , Range 8 East , W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 13, 1990.
3. The claim is for a total of 1.61 cubic feet per second from three points of diversion located on unnamed Springs, tributary to Sprague River, for irrigation of 61.5 acres and livestock of 100 head.
4. The claimed period of use is April 1 through November 1.

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

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for livestock was used by the last Indian owner of the property. The record does not establish intent by the last Indian owner to utilize the natural overflow for irrigation.
 - d. The record does not establish that the water use for livestock was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. The record does not establish that intent to utilize the natural overflow for irrigation existed within a reasonable period of time after transfer from the last Indian owner

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **71**
Walton claim

Current Claimant(s) of Record:

Cary Havird
Havird, Marlys
PO Box 498
Chiloquin OR 97624

Original Claimant(s):

Cary Havird
Havird, Marlys

The general location of the claimed use is Section 23, Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 1.1 cubic feet per second from a portable pump on Sprague River, tributary to Williamson River, for irrigation of 46 acres.
4. The claimed period of use is July 1 to October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: point of diversion is portable within the E¹/₂ NE¹/₄, Section 23, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 44.92 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.1 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 1

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¹/₄ NE ¹/₄ 8.62 ACRES IRRIGATION
SE ¹/₄ NE ¹/₄ 24.30 ACRES IRRIGATION
NE ¹/₄ SE ¹/₄ 12.00 ACRES IRRIGATION
SECTION 23
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Neva "Mabie"

Eggsman, a Klamath Indian, who transferred ownership to the claimants on January 6, 1984.

- c. It is unclear whether water for the claimed use was used by the last Indian owner of the property. However, the water use was diligently developed by the claimants after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **72**
Walton claim

Current Claimant(s) of Record:

Shirley M Nigh
PO Box 682
Chiloquin OR 97624

Original Claimant(s):

Shirley M Nigh

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.
3. The claim is for a total of 2 acre-feet from natural overflow and flooding from the Sprague River, tributary to Williamson River, for 7.5 acres.
4. The claimed period of use is November 1 through March 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. No delivery system exists. The irrigation is accomplished by means of natural, springtime overflow.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 7.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.0 acre-feet per acre, measured at the point of diversion

PERIOD OF USE: March 21 - June 21. This is a shorter season than was claimed.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 6.4 ACRES IRRIGATION
 NE ¼ SE ¼ 1.1 ACRES IRRIGATION
 SECTION 21
 TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Walter Eggsman, a Klamath Indian.
 - c. The last Indian owner, Walter Eggsman, fully developed the water use.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **73**
Walton claim

Current Claimant(s) of Record:

S. E. Collins
Ronald Collins
Tezea Collins
PO Box 669
Chiloquin OR 97624

Original Claimant(s):

Richard H. Outcalt
Lois M. Outcalt

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 0.33 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 13.2 acres.
4. The claimed period of use is June through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer performed a field inspection in which he surveyed 12.9 acres of beneficial irrigation.
7. The delivery system has the capacity to deliver 0.32 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 21, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 12.9 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.32 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	7.5	ACRES IRRIGATION
SE ¼ NE ¼	5.4	ACRES IRRIGATION
SECTION 21		
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.		

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian. This land was first sold to a non-Indian owner on October 19, 1976.

- c. Water for the claimed use was not used by the last Indian owner of the property.
- d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner. Irrigation of the land appurtenant to the claim began on August 11, 1979.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **74**
Walton claim

Current Claimant(s) of Record:

Walter Seput
10875 Sprague River Road
Chiloquin OR 97624

Original Claimant(s):

Walter Seput

The general location of the claimed use is Township 34 South, Range 8 East, Township 34 South, Range 9 East, Township 35 South, Range 8 East, and Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 20,600 gallons per minute, from three points of diversion located on Sprague River, tributary to Klamath Lake, for irrigation of approximately 710 acres.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 13.31 cfs.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATIONS:

SW ¼ SW ¼, Section 32, Township 34 South, Range 9 East, W.M.
NW ¼ SE ¼, Section 31, Township 34 South, Range 9 East, W.M.
NE ¼ SE ¼, Section 36, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 701.4 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 13.31 cubic feet per second, measured at the point of diversions. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	37.2	ACRES IRRIGATION
NW ¼ SE ¼	16.6	ACRES IRRIGATION
SW ¼ SE ¼	38.1	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 36

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

SE ¼ SE ¼	0.7	ACRES IRRIGATION
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SECTION 30

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	29.2	ACRES IRRIGATION
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NW ¹ / ₄ NE ¹ / ₄	15.9	ACRES IRRIGATION
SW ¹ / ₄ NE ¹ / ₄	39.2	ACRES IRRIGATION
SE ¹ / ₄ NE ¹ / ₄	39.0	ACRES IRRIGATION
SE ¹ / ₄ NW ¹ / ₄	22.2	ACRES IRRIGATION
NE ¹ / ₄ SW ¹ / ₄	36.9	ACRES IRRIGATION
SE ¹ / ₄ SW ¹ / ₄	38.2	ACRES IRRIGATION
NE ¹ / ₄ SE ¹ / ₄	9.4	ACRES IRRIGATION
NW ¹ / ₄ SE ¹ / ₄	5.0	ACRES IRRIGATION
SW ¹ / ₄ SE ¹ / ₄	9.8	ACRES IRRIGATION
SE ¹ / ₄ SE ¹ / ₄	3.6	ACRES IRRIGATION
LOT 1 NW ¹ / ₄ NW ¹ / ₄	0.9	ACRES IRRIGATION
LOT 2 SW ¹ / ₄ NW ¹ / ₄	29.7	ACRES IRRIGATION
LOT 3 NW ¹ / ₄ SW ¹ / ₄	39.6	ACRES IRRIGATION
LOT 4 SW ¹ / ₄ SW ¹ / ₄	39.6	ACRES IRRIGATION

SECTION 31

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

NW ¹ / ₄ NW ¹ / ₄	8.7	ACRES IRRIGATION
SW ¹ / ₄ NW ¹ / ₄	0.6	ACRES IRRIGATION
NW ¹ / ₄ SW ¹ / ₄	8.6	ACRES IRRIGATION
SW ¹ / ₄ SW ¹ / ₄	9.8	ACRES IRRIGATION

SECTION 32

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

SE ¹ / ₄ NE ¹ / ₄	7.1	ACRES IRRIGATION
LOT 1 NE ¹ / ₄ NE ¹ / ₄	39.8	ACRES IRRIGATION
LOT 2 NW ¹ / ₄ NE ¹ / ₄	20.0	ACRES IRRIGATION

SECTION 1

TOWNSHIP 35 SOUTH, RANGE 8 EAST, W.M.

SE ¹ / ₄ NW ¹ / ₄	18.5	ACRES IRRIGATION
LOT 3 NE ¹ / ₄ NW ¹ / ₄	31.8	ACRES IRRIGATION
LOT 4 NW ¹ / ₄ NW ¹ / ₄	39.6	ACRES IRRIGATION
LOT 5 SW ¹ / ₄ NW ¹ / ₄	26.1	ACRES IRRIGATION

SECTION 6

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was used by the last Indian owner of the property.
- d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **75**
Walton claim

Current Claimant(s) of Record:

Gordon A Webb
Webb, Karen R
PO Box 83
Chiloquin OR 97624

Original Claimant(s):

Gordon A Webb
Webb, Karen R

The general location of the claimed use is Township 34 South, Range 8 East and Township 34 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 3, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 7.42 cubic feet per second from four points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 296.6 acres and livestock.
4. The claimed period of use is April 1 through October 31.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. The livestock use is incidental to irrigation.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For irrigation:

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

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

POINT OF DIVERSION LOCATION: NE ¼ SW ¼, Section 19, Township 34 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.54 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼ 18.0 IRRIGATION
NW ¼ NW ¼ 8.0 IRRIGATION
SW ¼ NW ¼ 9.0 IRRIGATION
SE ¼ NW ¼ 7.6 IRRIGATION
NE ¼ SW ¼ 10.2 IRRIGATION
NW ¼ SW ¼ 8.8 IRRIGATION

SECTION 19

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.0 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 9.2 IRRIGATION
NE ¼ SE ¼ 26.0 IRRIGATION

SECTION 24

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

NW ¼ SW ¼ 4.8 IRRIGATION
SECTION 19

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

For diversion point #3, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 4.02 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	27.6	IRRIGATION
SW ¼ NW ¼	20.8	IRRIGATION
SE ¼ NW ¼	33.8	IRRIGATION
NE ¼ SW ¼	36.5	IRRIGATION
NW ¼ SW ¼	9.4	IRRIGATION
SE ¼ SW ¼	0.3	IRRIGATION
NW ¼ SE ¼	32.2	IRRIGATION

SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

11. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Jessie Hescoek, a Klamath Indian.
 - c. The last Indian owner, Jessie Hescoek, fully developed the water use.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **76**
Walton claim

Current Claimant(s) of Record:

Earl M Harris
Box 467
Chiloquin OR 97624

Original Claimant(s):

Earl M Harris

The general location of the claimed use is Township 34 South, Range 9 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 4.015 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 139.2 acres.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. For Diversion Point #1, referred to in the claim form as the “south” diversion, the delivery system has the capacity to deliver the claimed amount. However, for Diversion Point #2, referred to in the claim form as the “north” diversion, the delivery system has the capacity to deliver 1.93 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

Diversion Point #1 (South)

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 34 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 83.5 acres. This is a smaller area than claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.57 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 11.2 ACRES IRRIGATION
SW ¼ SE ¼ 11.1 ACRES IRRIGATION
SE ¼ SE ¼ 9.4 ACRES IRRIGATION
LOT 4 SW ¼ SW ¼ 2.0 ACRES IRRIGATION

SECTION 30

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M

NE ¼ NW ¼ 33.6 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 16.2 ACRES IRRIGATION

SECTION 31

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

Diversion Point #2 (North)

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 34 South,
Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 55.2 acres. This is a smaller area than claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.38 cubic feet per second, measured
at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 25.5 ACRES IRRIGATION
SE ¼ SW ¼ 2.3 ACRES IRRIGATION
SW ¼ SE ¼ 11.0 ACRES IRRIGATION
LOT 3 NW ¼ SW ¼ 16.4 ACRES IRRIGATION

SECTION 30

TOWNSHIP 34 SOUTH, RANGE 9 EAST, W.M.

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

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

Reservation.

- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. For the lands claimed in N ½ SE ¼, Section 30, Township 34 South, Range 9 East, W.M., the record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership. In addition, the record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.
- d. For the lands claimed in Lot 4, SE ¼ SW ¼, SW ¼ SE ¼, and SE ¼ SE ¼, Section 30 and in Lot 1 and NE ¼ NW ¼, Section 31, Township 34 South, Range 9 East, W.M., the water for the claimed use was not developed by the last Indian owner of the property. However, the water was diligently developed by non-Indian owners of the property after transfer.
- e. For the lands claimed in Lot 3 and NE ¼ SW ¼, Section 30, Township 34 South, Range 9 East, W.M., the extent of development prior to transfer from the last Indian owner is unclear. However, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **77**
Walton claim

Current Claimant(s) of Record:

David Fairclo
1668 NE Canyon Park Dr
Bend OR 97701

JELD-WEN, Inc.
3250 Lakeport Blvd
Klamath Falls, OR 97601

Original Claimant(s):

Richard Fairclo

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.
3. The claim is for storage of a total of 2.9 acre-feet in six reservoirs located on unnamed draws, tributary to Sycan River, for livestock.
4. The claimed period of use is year round.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: see locations of in-channel reservoirs under PLACE OF USE below

SOURCES: unnamed draws, tributary to Sycan River

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.9 acre-feet per year

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NE ¼
SW ¼ NW ¼
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SE ¼
SE ¼ SE ¼
SECTION 10
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was used by the last Indian owner of the property.
- d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **78**
Walton claim

Current Claimant(s) of Record:

David Fairclo
1668 NE Canyon Park Dr
Bend OR 97701

Original Claimant(s):

Richard Fairclo

The general location of the claimed use is Townships 34 and 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.
3. The claim is for a total of 4.81 cubic feet per second from Corner Creek, tributary to Blue Creek, and Blue Creek (Milk Creek), tributary to Sycan River, for irrigation of 183.9 acres.
4. The claimed period of use is March 15 through December 1.
5. The claimed priority date is 1864.

6. The claimant later clarified their water use in the following ways:
- ❖ Added livestock watering
 - ❖ Modified the period of use to May 1 through October 1 for irrigation and April 15 through December 1 for livestock.
 - ❖ Modified the rate of use for livestock at 13,500 gallons per day.

FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.
8. The delivery system has the capacity to deliver the claimed amount.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

SOURCE: Corner Creek, tributary to Blue Creek

POINT OF DIVERSION LOCATION: natural overflow

USE: irrigation of 45.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.14 cubic feet per second.
This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 18.5 ACRES IRRIGATION
SE ¼ NE ¼ 8.4 ACRES IRRIGATION
SE ¼ NW ¼ 6.8 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 9.8 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 2.0 ACRES IRRIGATION
SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SOURCE: Blue Creek (Milk Creek), tributary to Sycan River

POINT OF DIVERSION LOCATION: NE ¼ SE ¼ Section 32, Township 34 South, Range 12 East, W.M.

USE: irrigation of 138.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.46 cubic feet per second.
This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 0.4 ACRES IRRIGATION
SW ¼ SW ¼ 21.2 ACRES IRRIGATION
SECTION 33
TOWNSHIP 34 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NW ¼ 25.2 ACRES IRRIGATION
SE ¼ NW ¼ 3.6 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 20.4 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 37.2 ACRES IRRIGATION
SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼ 1.6 ACRES IRRIGATION
SW ¼ NE ¼ 1.2 ACRES IRRIGATION
SE ¼ NE ¼ 27.6 ACRES IRRIGATION
SECTION 5
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SOURCE: Corner Creek, tributary to Blue Creek, and Blue Creek (Milk Creek), tributary to Sycan River

POINT OF DIVERSION LOCATION: livestock drink directly from the source in the area described under PLACE OF USE below

USE: livestock watering for 800 head

AMOUNT ACTUALLY BENEFICIALLY USED: 9,600 gallons per day. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
LOT 2 NW ¼ NE ¼
LOT 3 NE ¼ NW ¼
SECTION 4
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NW ¼ SE ¼
SECTION 5
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

11. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **79**
Walton claim

Current Claimant(s) of Record:

Rodney N Murray
1945 Painter St
Klamath Falls OR 97601

Original Claimant(s):

Rodney N Murray

The general location of the claimed use is Section 36, Township 34 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 20 gallons per minute from one point of diversion located on an unnamed spring, tributary to Five Mile Creek, for domestic use and irrigation of a lawn.
4. The claimed period of use is February through November for domestic use and May through October for irrigation.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **80**
Walton claim

Current Claimant(s) of Record:

James M Severin
36358 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Mary E. Fike

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Agency Lake, tributary to Klamath River, for an unknown number of acres of irrigation.
4. The claimed period of use is April through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The date of transfer from Indian ownership to non-Indian ownership is unclear. The transfer occurred between 1933 and 1942.
 - d. The record does not establish whether water for the claimed use was used or developed by the last Indian owner of the property.
 - e. The record does not establish whether Cox, the non-Indian purchaser of the property involved, diligently developed the use following his purchase from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **81**
Walton claim

Current Claimant(s) of Record:

Goose Bay Farms
HC 30 Box 61
Chiloquin OR 97624

Original Claimant(s):

Goose Bay Farms

The general location of the claimed use is Township 35 South, Range 7.5 East, Township 36 South, Range 7 East Township 36 South, Range 7.5 East, and Township 36 South, Range 7 East W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 51.4 cubic feet per second from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 2187 acres, livestock and wildlife.
4. The claimed period of use is year round
5. The claimed priority date is October 14, 1864.

6. The claimant later amended their claim to include an additional 32.41 cubic feet per second of water for irrigation and 6.8 additional acres. The amendment described livestock and wildlife use from Diversion B and the Williamson River. The amendment was filed to “correct claim to accurately show historic use”.

FINDINGS OF FACT

7. The Department performed a field inspection which found the irrigation use as claimed. The field inspection did not indicate use of water for livestock.
8. The claimed use, “Wildlife,” is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.
9. The delivery system at Diversion B has the capacity to deliver the claimed amount. However, the delivery system at Diversion D has the capacity to deliver 8.92 cubic feet per second.
10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: Diversion Point D--
Government Lot 18, SE ¼ NW ¼, Section 31, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 532.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 8.92 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 11 SW ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼ NE ¼	7.6	ACRES IRRIGATION AND LIVESTOCK
LOT 16 SW ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 18 SE ¼ NW ¼	2.7	ACRES IRRIGATION AND LIVESTOCK
LOT 19 SW ¼ NE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
LOT 20 SE ¼ NE ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
LOT 21 NE ¼ SE ¼	3.9	ACRES IRRIGATION AND LIVESTOCK
LOT 22 NW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 23 NE ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 24 NW ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
LOT 25 NW ¼ SW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 26 NE ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 27 NW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 28 NE ¼ SE ¼	6.1	ACRES IRRIGATION AND LIVESTOCK
LOT 29 SE ¼ SE ¼	8.3	ACRES IRRIGATION AND LIVESTOCK
LOT 30 SW ¼ SE ¼	20.1	ACRES IRRIGATION
LOT 31 SE ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
LOT 32 SW ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
LOT 33 SW ¼ SW ¼	2.7	ACRES IRRIGATION AND LIVESTOCK
LOT 34 SW ¼ SW ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 35 SE ¼ SW ¼	4.1	ACRES IRRIGATION AND LIVESTOCK
LOT 36 SE ¼ SW ¼	12.9	ACRES IRRIGATION AND LIVESTOCK
LOT 37 SW ¼ SE ¼	19.3	ACRES IRRIGATION
LOT 38 SE ¼ SE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 31

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 6 NE ¼ SE ¼	23.2	ACRES IRRIGATION AND LIVESTOCK
LOT 9 SE ¼ SE ¼	23.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ SE ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 15 SW ¼ SE ¼	3.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 7.5 EAST, W.M.

LOT 5 NW ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
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SECTION 5

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼	33.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	38.4	ACRES IRRIGATION
NE ¼ NW ¼	35.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	19.9	ACRES IRRIGATION AND LIVESTOCK

SW ¼ NW ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NW ¼ NW ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10 NW ¼ NW ¼	7.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 6

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼	26.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

POINT OF DIVERSION LOCATION: Diversion Point B--
SW ¼ NW ¼, Section 1, Township 36 South, Range 7.5 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 1660.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 41.52 cubic feet per second,
measured at the point of diversion, for irrigation. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 12	SW ¼ NW ¼	6.8	ACRES IRRIGATION AND LIVESTOCK
LOT 13	SW ¼ NW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
LOT 19	NE ¼ SW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 20	NW ¼ SW ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 21	NW ¼ SW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 22	NE ¼ SW ¼	6.6	ACRES IRRIGATION AND LIVESTOCK
LOT 27	SE ¼ SW ¼	13.7	ACRES IRRIGATION AND LIVESTOCK
LOT 28	SW ¼ SW ¼	19.5	ACRES IRRIGATION AND LIVESTOCK
LOT 29	SW ¼ SW ¼	17.8	ACRES IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼	18.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

SW ¼ NE ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	38.7	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	14.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	38.8	ACRES IRRIGATION AND LIVESTOCK

	NW ¼ SW ¼	19.3	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	18.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	39.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	19.3	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	9.3	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SW ¼ NW ¼	9.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 6

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NE ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ NW ¼	40.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ NW ¼	26.3	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SE ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NW ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ NW ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 7

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 8

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

	NE ¼ NE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	15.3	ACRES IRRIGATION AND LIVESTOCK

SE ¼ NW ¼	24.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	38.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	28.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	30.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	36.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	36.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	36.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼	1.6	ACRES IRRIGATION
NW ¼ NE ¼	2.0	ACRES IRRIGATION

SECTION 11

TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

NE ¼ NE ¼	39.8	ACRES IRRIGATION
NW ¼ NE ¼	39.8	ACRES IRRIGATION
SW ¼ NE ¼	35.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	33.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	34.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¼ SE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 12

TOWNSHIP 36 SOUTH, RANGE 7.5 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day for 400 head; stock drink directly from all sources and ditches

12. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **82**
Walton claim

Current Claimant(s) of Record:

Lloyd Lee Hall
Bonnie Kay Hall
PO Box 514
Fort Klamath OR 97626

Original Claimant(s):

Lloyd Lee Hall
Bonnie Kay Hall

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 1.67 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 53.5 acres.
4. The claimed period of use is March 1 through November 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 24, SE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 53.5 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.34 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 32 SW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 33 SE ¼ SW ¼	6.6	ACRES IRRIGATION
LOT 36 SE ¼ SW ¼	7.9	ACRES IRRIGATION
LOT 37 SW ¼ SE ¼	19.0	ACRES IRRIGATION

SECTION 20

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.

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

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **84**
Walton claim

Current Claimant(s) of Record:

Modoc Point Irrigation District
28888 Hwy 97 N
Chiloquin OR 97624

Original Claimant(s):

Modoc Point Irrigation District

The general location of the claimed use is Township 35 & 36 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 130.5 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 5220 acres and livestock.
4. The claimed period of use is April 15 through November 1 for irrigation and year round for livestock.
5. The claimed priority date is prior to 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.
7. The delivery system has the capacity to deliver 57.2 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 5431.4 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 56.2 cubic feet per second, measured at the point of diversion for irrigation.

1.0 cubic feet per second, measured at the point of diversion for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock; no diversion occurs outside of the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

Township	Range	Section	Q/Q	Gov Lot	Acres	Use
35	S	7	E	3	NWNW 13	2.2 IRRIGATION AND LIVESTOCK
35	S	7	E	3	SENE 14	3.3 IRRIGATION AND LIVESTOCK
35	S	7	E	3	SWNE 15	4.5 IRRIGATION AND LIVESTOCK
35	S	7	E	3	NWSE 20	4.6 IRRIGATION AND LIVESTOCK
35	S	7	E	4	NENE 9	2 IRRIGATION AND LIVESTOCK
35	S	7	E	9	SESE 33	2.5 IRRIGATION AND LIVESTOCK
35	S	7	E	10	SWSW	6.4 IRRIGATION AND LIVESTOCK
35	S	7	E	10	SWSW 15	3.3 IRRIGATION AND LIVESTOCK

35	S	7	E	15	NWNW		2.7	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NENE	1	5.6	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NENE	10	2	IRRIGATION AND LIVESTOCK
35	S	7	E	16	SENE	20	8.3	IRRIGATION AND LIVESTOCK
35	S	7	E	16	NESE	21	5.4	IRRIGATION AND LIVESTOCK
35	S	7	E	19	SESE	23	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWNW	16	4.7	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NESE	22	13.3	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSW	25	12.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSW	27	12.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NWSE	29	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	20	NESE	30	19.1	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESE	31	19.5	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSE	32	20	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESW	33	6.6	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSW	34	10.9	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESW	36	7.9	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SWSE	37	19	IRRIGATION AND LIVESTOCK
35	S	7	E	20	SESE	38	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NENE	10	5.7	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWNE	11	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENE	12	3.9	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNE	13	5.5	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNW	18	3.6	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENE	20	10	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWNE	22	6	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SENE	23	0.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NESW	26	15	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWSW	27	17	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NWSW	28	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	NESW	29	19	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SESW	34	20	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWSW	35	14.4	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SWSW	36	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	21	SESW	37	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NENW	3	10	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWNW	4	15.9	IRRIGATION AND LIVESTOCK

35	S	7	E	28	NWNW	5	19.8	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SEW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWNW	13	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SEW	14	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSE	18	17	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSW	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESW	22	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NWSE	23	19.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	NESE	24	0.1	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESE	25	1.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSE	26	17.9	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESW	27	19.3	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSW	28	12.6	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSW	29	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESW	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	28	SESE	32	3.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENE	1	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNE	2	14.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENW	3	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNW	4	15.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNW	5	19.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWNE	7	10.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NENE	8	17.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SENE	9	19.2	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SEW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNW	12	16.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNW	13	19	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SEW	14	17.3	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWNE	15	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SENE	16	20	IRRIGATION AND LIVESTOCK

35	S	7	E	29	NESE	17	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSE	18	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSW	20	19	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSW	21	14.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESW	22	18.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NWSE	23	11	IRRIGATION AND LIVESTOCK
35	S	7	E	29	NESE	24	19.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESE	25	17.1	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSE	26	12.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESW	27	17.7	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSW	28	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSW	29	20	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESW	30	17.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SWSE	31	12.5	IRRIGATION AND LIVESTOCK
35	S	7	E	29	SESE	32	12.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NENE	10	8.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SENE	11	17.8	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWNE	19	0.6	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SENE	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NESE	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NWSE	22	5.1	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NWSE	29	10.6	IRRIGATION AND LIVESTOCK
35	S	7	E	30	NESE	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWSE	32	16	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESW	38	0.2	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SWSE	39	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	30	SESE	40	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NENE	1	14.2	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NWNE	2	20	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NENW	3	2.7	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NWNE	9	15.5	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NENE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SENE	11	19.7	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SENE	20	16.3	IRRIGATION AND LIVESTOCK
35	S	7	E	31	NESE	21	14.5	IRRIGATION AND LIVESTOCK

35	S	7	E	31	NESE	28	12.6	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SESE	29	10	IRRIGATION AND LIVESTOCK
35	S	7	E	31	SESE	38	7	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENE	1	15.7	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNE	2	17.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENW	3	14.2	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNW	4	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNW	5	20.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENW	6	14.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWNE	7	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NENE	8	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	9	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNE	10	13.5	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	11	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNW	13	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	14	19.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWNE	15	16	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SENE	16	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESE	17	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSE	18	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESW	19	19.6	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSW	20	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESW	22	19.4	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NWSE	23	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	NESE	24	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESE	25	17.8	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSE	26	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESW	27	19.2	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSW	28	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSW	29	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESW	30	19	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	32	SESE	32	19	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENE	1	4.5	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNE	2	11.2	IRRIGATION AND LIVESTOCK

35	S	7	E	33	NENW	3	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNW	4	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNW	5	18.8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENW	6	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWNE	7	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NENE	8	5.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENE	9	4.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNE	10	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENW	11	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNW	12	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNW	13	18.4	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENW	14	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWNE	15	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SENE	16	5.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESE	17	8.3	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSE	18	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESW	19	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSW	20	18.9	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSW	21	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESW	22	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NWSE	23	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	NESE	24	8	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESE	25	5.2	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSE	26	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESW	27	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSW	28	18.5	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSW	29	13.4	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESW	30	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SWSE	31	20	IRRIGATION AND LIVESTOCK
35	S	7	E	33	SESE	32	6.2	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWNW	4	0.4	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWNW	5	2	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWNW	12	5.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWNW	13	7.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWSW	20	9	IRRIGATION AND LIVESTOCK
36	S	7	E	3	NWSW	21	10.5	IRRIGATION AND LIVESTOCK
36	S	7	E	3	SWSW	28	12.5	IRRIGATION AND LIVESTOCK

36	S	7	E	3	SWSW	29	14.5	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENE	1	19.1	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENW	3	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNW	5	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENW	6	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NENE	8	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	9	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNE	10	17.5	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNW	12	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNW	13	16.2	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SENE	16	17.8	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSE	18	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSW	20	19	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSW	21	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NESW	22	16.1	IRRIGATION AND LIVESTOCK
36	S	7	E	4	NWSE	23	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSE	26	20	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESW	27	17.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSW	28	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESW	29	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESW	30	18.2	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SWSE	31	19.2	IRRIGATION AND LIVESTOCK
36	S	7	E	4	SESE	32	19.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENE	1	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENW	3	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNW	4	19.8	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWNW	5	16.3	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENW	6	20	IRRIGATION AND LIVESTOCK

36	S	7	E	5	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NENE	8	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	9	17.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNW	12	13.2	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNW	13	5.4	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SENE	16	19.7	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWSE	18	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESW	19	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESW	22	13.4	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NWSE	23	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	NESE	24	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWSE	26	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESW	27	4.3	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SWSE	31	20	IRRIGATION AND LIVESTOCK
36	S	7	E	5	SESE	32	20	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NENE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NESE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NWNE		35.9	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SENE		40	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SWNE		32.2	IRRIGATION AND LIVESTOCK
36	S	7	E	8	NWSE	3	7.1	IRRIGATION AND LIVESTOCK
36	S	7	E	8	SESE	5	33.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENE	1	17.2	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENW	3	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNW	5	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENW	6	19	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NENE	8	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	9	20	IRRIGATION AND LIVESTOCK

36	S	7	E	9	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	11	17	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNW	12	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNW	13	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	14	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SENE	16	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSE	18	19.4	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSW	20	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSW	21	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESW	22	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NWSE	23	19.4	IRRIGATION AND LIVESTOCK
36	S	7	E	9	NESE	24	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESE	25	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSE	26	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESW	27	8.6	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSW	28	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSW	29	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESW	30	11.9	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SWSE	31	20	IRRIGATION AND LIVESTOCK
36	S	7	E	9	SESE	32	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NENW	3		LIVESTOCK
36	S	7	E	10	NWNW	4	16.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWNW	5	18.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWNW	12	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWNW	13	18.1	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SENE	14	2.7	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NESW	19	4.2	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWSW	20	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NWSW	21	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	NESW	22	6.2	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SESW	27	7.3	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWSW	28	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SWSW	29	20	IRRIGATION AND LIVESTOCK
36	S	7	E	10	SESW	30	9.3	IRRIGATION AND LIVESTOCK

36	S	7	E	15	NENW	3	11	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NWNW	4	20	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NWNW	5	20	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NENW	6	12.7	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SEW	11	13.5	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SWNW	12	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SWNW	13	16.9	IRRIGATION AND LIVESTOCK
36	S	7	E	15	SEW	14	11.4	IRRIGATION AND LIVESTOCK
36	S	7	E	15	NESW	19	2.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENE	1	19.5	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNE	2	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENW	3	13.4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNW	4	18.8	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNW	5	11.5	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENW	6	12.2	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWNE	7	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NENE	8	19.2	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENE	9	19.3	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNE	10	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SEW	11	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNW	12	0.4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNW	13	3.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SEW	14	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWNE	15	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SENE	16	19.1	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESE	17	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSE	18	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESW	19	20	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSW	20	7.1	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSW	21	5.9	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESW	22	18.6	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NWSE	23	13	IRRIGATION AND LIVESTOCK
36	S	7	E	16	NESE	24	6.7	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SESW	27	4	IRRIGATION AND LIVESTOCK
36	S	7	E	16	SWSW	28	0.5	IRRIGATION AND LIVESTOCK
36	S	7	E	17	NENE		1.2	IRRIGATION AND LIVESTOCK
36	S	7	E	17	NENE	1	16.1	IRRIGATION AND LIVESTOCK

Total 5431.4

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian or is still within the ownership of a Klamath Indian.
 - c. Lands were irrigated by the Indian Allottee owners prior to any transfer to non-Indian owners, were developed within a reasonable time after the transfer from Indian ownership, or are still in Indian ownership.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **85**
Walton claim

Current Claimant(s) of Record:

Raymond K Poteet
200 Williamson River Dr
Chiloquin OR 97624

Original Claimant(s):

Raymond K Poteet

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 28, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 7.5 acres.
4. The claimed period of use is April 1 to November 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lots 14, 15, 19, and 21, Section 21, Township 35 South, Range 7 East, W.M. (This is a portable point of diversion.)

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 4.7 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.12 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 14 SW ¼ NE ¼	1.2	ACRES IRRIGATION
LOT 15 SE ¼ NW ¼	1.9	ACRES IRRIGATION
LOT 19 SE ¼ NW ¼	1.1	ACRES IRRIGATION
LOT 21 SW ¼ NE ¼	0.5	ACRES IRRIGATION
SECTION 21		
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.		

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Henry Wilson, the original allottee, and Wade Crawford also a Klamath Indian.

- c. The original Indian allottee fully developed the water use.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **86**
Walton claim

Current Claimant(s) of Record:

James P Reis
Beryl Reis
5500 Miller Ave.
Klamath Falls OR 97603

Original Claimant(s):

James P Reis
Beryl Reis

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of July 27, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 29, 1990.
3. The claim is for a total of 20 gallons per minute from one point of diversion located on Williamson River, tributary to Klamath Lake, for irrigation of 0.3 acres.
4. The claimed period of use is May 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: LOT 19 SE ¼ NW ¼, Section 21, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 0.3 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 15 AND 19 SE ¼ NW ¼ 0.3 ACRES IRRIGATION
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimants purchased the subject property from Wade and Ida Crawford on July 20, 1966. Wade Crawford was an Indian.
 - c. Wade Crawford was irrigating the property at the time of the ownership transfer.

d. The claimants have continued to irrigate the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **87**
Walton claim

Current Claimant(s) of Record:

Milburn Sallee
Jeanette Sallee
36588 Modoc Point Rd
Chiloquin OR 97624

Original Claimant(s):

Robert H Shackelford
Angelique G Shackelford

The general location of the claimed use is Section 7, Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 23, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 1 acre.
4. The claimed period of use is May through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **88**
Walton claim

Current Claimant(s) of Record:

David Petersen
Teresa Rennick
36670 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Theodore E. Siemens

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.
3. The claim is for a total of 35 gallons per minute from one point of diversion located on Agency Lake, tributary to Upper Klamath Lake, for irrigation of 0.4 acre.
4. The claimed period of use is April through October .
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 3, NE ¼ NW ¼, Section 7, Township 35 South, Range 7 East, W.M.

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: irrigation of 0.4 acre

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NE ¼ NW ¼ 0.4 ACRE IRRIGATION
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian. Theodore E. Siemens and Geraldine A. Siemens purchased the property from John C. Siemens, an enrolled Klamath Indian, on August 20, 1976.
 - c. Water for the claimed use was fully developed by the last Indian owner of the

property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **89**
Walton claim

Current Claimant(s) of Record:

Anna Mae Sisson
34343 Modoc Point Road
Chiloquin OR 97624

Original Claimant(s):

Anna Mae Sisson

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 26, 1990.
3. The claim is for a total of 3 gallons per minute from one point of diversion located on unnamed Spring, tributary to Agency Lake, for irrigation of “less than one acre”.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 19, Section 18, Township 35 South, Range 7 East, W.M.

SOURCE: unnamed spring, tributary to Agency Lake

USE: irrigation of 0.54 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 3 gallons per minute, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

GOVERNMENT LOT 19
SECTION 18
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The last Indian owner of the property did not develop the claimed use.

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

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **90**
Walton claim

Current Claimant(s) of Record:

Silverbow Ranch, LLC
Daniel C Re
Hurley, Lynch & Re
747 SW Industrial Way
Bend OR 97702

Original Claimant(s):

Kendall A. Tait

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 600 gallons per minute from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 15.4 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. The field inspection described a water wheel and pump machinery system.
7. The delivery system, as described in the field inspection report, has the capacity to deliver 460 gallons per minute.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 14, Section 21, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 15.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 4	4.5	ACRES IRRIGATION
LOT 7	5.8	ACRES IRRIGATION
LOT 14	0.5	ACRES IRRIGATION
LOT 15	4.1	ACRES IRRIGATION
LOT 41	0.5	ACRES IRRIGATION

SECTION 21

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **91**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

Tulana Farms

The general location of the claimed use is Township 35 South, Range 7 East, and Townships 35 and 36 South, Range 7 ½ East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of no more than 108.36 cubic feet per second from two points of diversion located on Williamson River, tributary to Upper Klamath Lake, including 87.03 cubic feet per second from diversion point “A” and 49.52 cubic feet per second from diversion point “C” for irrigation (including commercial crops and grazing pasture, irrigation that benefits wildlife, and irrigation of wetlands) of 4335.3 acres and incidental livestock use.
4. The claimed period of use is March 1 through December 31.

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

FINDINGS OF FACT

6. The Department performed a field inspection which found the use substantially as claimed.
7. The delivery system for diversion point “C” has the capacity to deliver the claimed rate. However, the delivery system for diversion point “A” has the capacity to deliver only 46.16 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATIONS:

“A”: NW ¼ NW ¼, Section 1, Township 36 South, Range 7.5 East, W.M.

“C”: Lot 12 (SE ¼ NE ¼), Section 36, Township 35 South, Range 7.5 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 4335.3 acres, including 3481.3 acres from point of diversion “A” and 1981.9 acres from point of diversion “C”, and incidental livestock watering

AMOUNT ACTUALLY BENEFICIALLY USED: 95.68 cubic feet per second, being 46.16 cubic feet per second from from point of diversion “A” and 49.52 cubic feet per second from point of diversion “C” measured at the points of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

Township	Range	Section	QuarterQuarter	Diversion	Diversion	Total Acreage
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				Point "A"	Point "C"	Both Diversion Points
35 South	7 East	19	NW ¼ NE ¼		0.1	0.1
			SW ¼ NE ¼		10.0	10.0
			NE ¼ NW ¼		17.6	17.6
			SE ¼ NW ¼		12.5	12.5
			NE ¼ SW ¼	38.9	38.9	38.9
			NW ¼ SW ¼	32.9	32.9	32.9
			SW ¼ SW ¼	19.7	38.4	38.4
			SE ¼ SW ¼	19.7	38.4	38.4
			NW ¼ SE ¼		18.4	18.4
			SW ¼ SE ¼		22.8	22.8
35 South	7 East	30	NW ¼ NE ¼		23.7	23.7
			SW ¼ NE ¼		0.9	0.9
			NE ¼ NW ¼		37.6	37.6
			NW ¼ NW ¼		35.4	35.4
			SW ¼ NW ¼		35.8	35.8
			SE ¼ NW ¼		38.2	38.2
			NE ¼ SW ¼		39.4	39.4
			NW ¼ SW ¼		38.5	38.5
			SW ¼ SW ¼		38.7	38.7
			SE ¼ SW ¼		32.1	32.1
35 South	7 East	31	SW ¼ SE ¼		0.1	0.1
			SW ¼ NE ¼		0.2	0.2
			NE ¼ NW ¼	17.5	18.2	18.2
			NW ¼ NW ¼		38.0	38.0
35 South	7½ East	24	SW ¼ NW ¼		25.4	25.4
			SE ¼ NW ¼	26.6	26.6	26.6
			SW ¼ SW ¼	1.6	1.6	1.6
			SE ¼ SW ¼	8.0	8.0	8.0
35 South	7½ East	24	NE ¼ SE ¼	21.4	21.4	21.4
			NW ¼ SE ¼	11.6	11.6	11.6
			SW ¼ SE ¼	43.9	43.9	43.9
35 South	7½ East	25	SE ¼ SE ¼		34.6	34.6
			NE ¼ NE ¼	18.3	36.7	36.7
			NW ¼ NE ¼	37.2	37.2	37.2
			SW ¼ NE ¼		38.4	38.4
			SE ¼ NE ¼		38.0	38.0
			NE ¼ NW ¼	36.7	36.7	36.7
			NW ¼ NW ¼	17.6	17.6	17.6
			SW ¼ NW ¼	26.8	26.8	26.8
			SE ¼ NW ¼	22.1	36.9	36.9
			NE ¼ SW ¼	18.8	35.6	35.6
			NW ¼ SW ¼	42.3	42.3	42.3
			SW ¼ SW ¼	39.4	39.4	39.4
			SE ¼ SW ¼	36.6	36.6	36.6
			NE ¼ SE ¼		39.4	39.4
NW ¼ SE ¼		40.0	40.0			
SW ¼ SE ¼	19.7	39.4	39.4			
SE ¼ SE ¼		38.9	38.9			

Township	Range	Section	Quarter	Quarter	Diversion Point "A"	Diversion Point "C"	Total Acreage Both Diversion Points
35 South	7½ East	26	SE ¼	NW ¼	0.4		0.4
			NE ¼	SW ¼	36.5		36.5
			NW ¼	SW ¼	18.0		18.0
			SW ¼	SW ¼	38.8		38.8
			SE ¼	SW ¼	38.8		38.8
			NE ¼	SE ¼	23.3	11.5	23.3
			NW ¼	SE ¼	22.5		22.5
			SW ¼	SE ¼	38.8		38.8
35 South	7½ East	27	SE ¼	SE ¼	34.9	17.5	34.9
			SW ¼	NW ¼	1.0		1.0
			NW ¼	SW ¼	10.4		10.4
			SW ¼	SW ¼	31.9		31.9
			SE ¼	SW ¼	2.1		2.1
			NE ¼	SE ¼	0.2		0.2
			SW ¼	SE ¼	1.8		1.8
			SE ¼	SE ¼	32.9		32.9
35 South	7½ East	28	SE ¼	NE ¼	13.6		13.6
			NE ¼	SE ¼	31.0		31.0
			SE ¼	SE ¼	27.6		27.6
35 South	7½ East	33	NE ¼	NE ¼	22.4		22.4
			SE ¼	NE ¼	29.0		29.0
			NE ¼	SE ¼	39.0		39.0
35 South	7½ East	34	SE ¼	SE ¼	9.7		9.7
			NE ¼	NE ¼	38.0		38.0
			NW ¼	NE ¼	34.8		34.8
			SW ¼	NE ¼	40.0		40.0
			SE ¼	NE ¼	40.0		40.0
			NE ¼	NW ¼	37.7		37.7
			NW ¼	NW ¼	40.4		40.4
			SW ¼	NW ¼	40.0		40.0
			SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	37.8		37.8
			NW ¼	SW ¼	37.8		37.8
			SW ¼	SW ¼	30.4		30.4
			SE ¼	SW ¼	38.0		38.0
			NE ¼	SE ¼	37.8		37.8
			NW ¼	SE ¼	37.8		37.8
			35 South	7½ East	35	SW ¼	SE ¼
SE ¼	SE ¼	40.4					40.4
NE ¼	NE ¼	34.2				17.1	34.2
NW ¼	NE ¼	38.0					38.0
SW ¼	NE ¼	40.0					40.0
SE ¼	NE ¼	35.1				17.5	35.1
NE ¼	NW ¼	38.0					38.0
NW ¼	NW ¼	38.0					38.0
35 South	7½ East	35	SW ¼	NW ¼	40.0		40.0
			SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	37.7		37.7
			NE ¼	SW ¼	37.7		37.7

Township	Range	Section	Quarter	Quarter	Diversion Point "A"	Diversion Point "C"	Total Acreage Both Diversion Points
			NW ¼	SW ¼	37.8		37.8
			SW ¼	SW ¼	40.4		40.4
			SE ¼	SW ¼	40.4		40.4
			NE ¼	SE ¼	34.9	17.5	34.9
			NW ¼	SE ¼	37.6		37.6
			SW ¼	SE ¼	40.4		40.4
			SE ¼	SE ¼	35.2	17.6	35.2
35 South	7½ East	36	NE ¼	NE ¼	34.1		34.1
			NW ¼	NE ¼	25.8	25.8	25.8
			SW ¼	NE ¼	53.7	53.7	53.7
			SE ¼	NE ¼	42.5	42.5	42.5
			NE ¼	NW ¼	31.0	31.0	31.0
			NW ¼	NW ¼	39.8	39.8	39.8
			SW ¼	NW ¼	42.6	42.6	42.6
			SE ¼	NW ¼	34.9	34.9	34.9
			NE ¼	SW ¼	35.0	35.0	35.0
			NW ¼	SW ¼	42.4	42.4	42.4
			SW ¼	SW ¼	42.4	42.4	42.4
			SE ¼	SW ¼	34.8	34.8	34.8
			NW ¼	SE ¼	30.6	30.6	30.6
			SW ¼	SE ¼	16.4	16.4	16.4
36 South	7 ½ East	1	NE ¼	NW ¼		23.6	23.6
			NW ¼	NW ¼		22.2	22.2
			SW ¼	NW ¼		4.5	4.5
			SE ¼	NW ¼		1.2	1.2
			NW ¼	SW ¼		0.3	0.3
36 South	7½ East	2	NE ¼	NE ¼	28.0		28.0
			NW ¼	NE ¼	36.8		36.8
			SW ¼	NE ¼	40.0		40.0
			SE ¼	NE ¼	39.6		39.6
			NE ¼	NW ¼	36.8		36.8
36 South	7½ East		NW ¼	NW ¼	36.6		36.6
			SW ¼	NW ¼	36.8		36.8
			SE ¼	NW ¼	40.0		40.0
			NE ¼	SW ¼	39.9		39.9
			NW ¼	SW ¼	17.8		17.8
			SE ¼	SW ¼	16.6		16.6
			NE ¼	SE ¼	37.0		37.0
			NW ¼	SE ¼	40.0		40.0
			SW ¼	SE ¼	40.0		40.0
			SE ¼	SE ¼	28.4		28.4
36 South	7½ East	3	NE ¼	NE ¼	36.5		36.5
			NW ¼	NE ¼	23.6		23.6
			SW ¼	NE ¼	0.2		0.2
			SE ¼	NE ¼	18.0		18.0
			NE ¼	NW ¼	2.5		2.5
36 South	7½ East	11	NE ¼	NE ¼	24.7		24.7
			NW ¼	NE ¼	29.6		29.6

SW ¼ NE ¼	22.4	22.4
SE ¼ NE ¼	22.4	22.4
NW ¼ SE ¼	0.2	0.2

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **93**
Walton claim

Current Claimant(s) of Record:

Silverbow Ranch, LLC
Daniel C Re
Hurley, Lynch & Re
747 SW Industrial Way
Bend OR 97702

Original Claimant(s):

Raleigh and Daniel Wirth, Trustees
Wirth Family Trust

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 30, 1990.
3. The claim is for a total of 0.892 cubic feet per second from one point of diversion located on Williamson River, tributary to Agency Lake (Upper Klamath Lake), for irrigation of 13.6 acres.
4. The claimed period of use is April 15 through October 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed. The field inspection described a water wheel and pump machinery system. The claim describes the system as a pump to pipeline and ditch.
7. The delivery system, as described in the claim, has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 21, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 13.6 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.34 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NW ¼ 4.0 ACRES IRRIGATION
SE ¼ NW ¼ 9.6 ACRES IRRIGATION
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian

Reservation.

- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **94**
Walton claim

Current Claimant(s) of Record:

Dale Mather
Suzi Mather
13974 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Bruce Boyd
Patricia Boyd

The general location of the claimed use is Township 35 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 4, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Sprague River, for irrigation and livestock.
4. The claimed period of use is April 1 through September 30.
5. The claimed priority date is "11-17-38".

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. The livestock use is incidental to irrigation.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 35 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.2 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 to October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.0 IRRIGATION
SECTION 11
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

11. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was fully developed by the original Allottee, who were

also the last Indian owners of the property.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **95**
Walton claim

Current Claimant(s) of Record:

Clifford C Rabe
Rabe, Mary A
PO Box 84
Sprague River OR 97639

Original Claimant(s):

Clifford C Rabe
Rabe, Mary A

The general location of the claimed use is Township 35 South, Range 9 East, Township 35 South, Range 10 East, and Township 36 South, Range 9 East W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 7 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 374.8 acres and 225 head of livestock.
4. The claimed period of use is April 15 through October 15 for irrigation, and “January to January” for livestock.

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

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For irrigation:

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

For livestock:

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 36, Township 35 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 301.1 acres and livestock use. This is less acreage than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 7.0 cubic feet per second, measured at the point of diversion and 2700 gallons per day for livestock. This is less than the amount claimed for livestock.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	3.6	ACRES IRRIGATION
NW ¼ NE ¼	10.0	ACRES IRRIGATION
SW ¼ NE ¼	35.4	ACRES IRRIGATION
SE ¼ NE ¼	34.0	ACRES IRRIGATION
NE ¼ SE ¼	40.0	ACRES IRRIGATION
NW ¼ SE ¼	28.8	ACRES IRRIGATION
SW ¼ SE ¼	6.2	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NW ¼	0.8	ACRES IRRIGATION
SE ¼ SW ¼	6.5	ACRES IRRIGATION
LOT 1 NW ¼ NW ¼	1.3	ACRES IRRIGATION
LOT 2 SW ¼ NW ¼	33.8	ACRES IRRIGATION
LOT 3 NW ¼ SW ¼	20.8	ACRES IRRIGATION
LOT 4 SW ¼ SW ¼	39.9	ACRES IRRIGATION

SECTION 31

TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	31.5	ACRES IRRIGATION
SE ¼ NE ¼	21.0	ACRES IRRIGATION

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	35.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	34.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	28.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ NW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	6.5	ACRES IRRIGATION AND LIVESTOCK

LOT 1 NW ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼ 33.8 ACRES IRRIGATION AND LIVESTOCK
LOT 3 NW ¼ SW ¼ 20.8 ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ SW ¼ 39.9 ACRES IRRIGATION AND LIVESTOCK

SECTION 31

TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 31.5 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 21.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 9 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **97**
Walton claim

Current Claimant(s) of Record:

Donald Lawless
Marlene and Lewis Lawless
P.O. Box 1328
Grants Pass OR 97526

Original Claimant(s):

Carter Air Balance, Inc.

The general location of the claimed use is Townships 35 and 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 14 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 720 acres and livestock.
4. The claimed period of use is May 1 through October 1 for irrigation, and year-round for livestock.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership for all of the claimed lands, or the first date(s) of transfer to non-Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **98**
Walton claim

Current Claimant(s) of Record:

Tillie L Goold
Parks, Del; Trustee; Tillie L Goold Trust
905 Main St, Ste 200
Klamath Falls OR 97601

Original Claimant(s):

Tillie L Goold
Parks, Del; Trustee; Tillie L Goold Trust

The general location of the claimed use is Township 35 South, Range 9 East, Township 35 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 10, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 6.44 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation and livestock.
4. The claimed period of use is May 1 through October 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. The livestock use is incidental to irrigation.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For irrigation use:

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 36, Township 35 South, Range 9 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 370.4 acres and incidental livestock use. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 6.44 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 1.7 ACRES IRRIGATION
SE ¼ SE ¼ 24.7 ACRES IRRIGATION
SECTION 25
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 34.5 ACRES IRRIGATION

NW ¼ NE ¼ 17.4 ACRES IRRIGATION
SE ¼ NE ¼ 0.9 ACRES IRRIGATION
SECTION 36
TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

SE ¼ SW ¼ 40.0 ACRES IRRIGATION
SW ¼ SE ¼ 40.0 ACRES IRRIGATION
SE ¼ SE ¼ 28.4 ACRES IRRIGATION
LOT 4 SW ¼ SW ¼ 37.7 ACRES IRRIGATION
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 30.0 ACRES IRRIGATION
NW ¼ NE ¼ 29.0 ACRES IRRIGATION
NE ¼ NW ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 10.0 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 35.3 ACRES IRRIGATION
LOT 2 SW ¼ NW ¼ 0.8 ACRES IRRIGATION
SECTION 31
TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

11. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. For the lands described in item 10 above, referred to in the claim as “Exhibit A”, water for the claimed use was used by the last Indian owner of the property and further diligently developed by non-Indian owners of the property after transfer from the last Indian owner.
 - d. Other lands were claimed, described in the claim as “Exhibit B”, being 67.4 acres located in Section 30, Township 35 South, Range 10 East, W.M.. For these lands, the record does not establish that water was used by the last Indian owner nor that water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is

approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **99**
Walton claim

Current Claimant(s) of Record:

Craig Cahoon
Debra Cahoon
19373 Eighmy Rd
Cottonwood CA 96022

Original Claimant(s):

D. G. Richardson

The general location of the claimed use is Township 36 South, Range 10 East, W.M. and Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 17, 1991.
3. The claim is for a total of 11.1 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 600 acres.
4. The claimed period of use is April through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection.
7. The delivery system has the capacity to deliver 2.96 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 4, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 494.2 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.96 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	21.5	ACRES IRRIGATION
NW ¼ SE ¼	15.0	ACRES IRRIGATION
SW ¼ SE ¼	40.0	ACRES IRRIGATION
SE ¼ SE ¼	40.0	ACRES IRRIGATION

SECTION 32

TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

NW ¼ SW ¼	1.1	ACRES IRRIGATION
SW ¼ SW ¼	40.0	ACRES IRRIGATION
SE ¼ SW ¼	30.0	ACRES IRRIGATION

SECTION 33

TOWNSHIP 35 SOUTH, RANGE 10 EAST, W.M.

LOT 3	SW ¼ NW ¼	24.6	ACRES IRRIGATION
	NE ¼ NW ¼	38.0	ACRES IRRIGATION

LOT 4 NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NE ¼ 40.0 ACRES IRRIGATION
SE ¼ NW ¼ 14.0 ACRES IRRIGATION
LOT 1 NE ¼ NE ¼ 40.0 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 40.0 ACRES IRRIGATION
LOT 3 NE ¼ NW ¼ 30.0 ACRES IRRIGATION
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The lands appurtenant to the claim was formerly owned by a Klamath Indians.
 - c. Portions of the water for the claimed use were developed by the last Indian owners of the property.
 - d. Except as described in paragraph 10 (e), the portions of the property not developed by the last Indian owners were developed with reasonable diligence by non-Indian owners of the property after transfer from the last Indian owner.
 - e. The record indicates that the acreage claimed in the SE ¼ SW ¼, of Section 32, Township 35 South, Range 10 East, W.M., were not developed by the last Indian owner and were not diligently developed after the transfer from Indian ownership.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **100**
Walton claim

Current Claimant(s) of Record:

Leta Mae Johnson
10440 Hill Road
Klamath Falls OR 97603

Original Claimant(s):

Leta May Johnson

The general location of the claimed use is Township 35 South, Range 11 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 8.5 cubic feet per second from two points of diversion located on an unnamed stream, tributary to Sprague River, for irrigation of 340 acres.
4. The claimed period of use is March through July 31.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **101**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 1 cubic feet per second from Sycan River for livestock watering for 1500 head.
4. The claimed period of use is year round.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. There is no delivery system; livestock drink directly from the source.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: livestock drink directly from the source within the area described under PLACE OF USE below

SOURCE: Sycan River, tributary to Sprague River

USE: livestock watering for 1500 head

AMOUNT ACTUALLY BENEFICIALLY USED: 18,000 gallons per day, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 5

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 6

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
NE ¼ SW ¼
NW ¼ SW ¼
NE ¼ SE ¼
SECTION 8
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ SW ¼
SW ¼ SW ¼
SECTION 9
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼
SW ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
SECTION 16
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. It is unclear whether water for the claimed use was used by the last Indian owner of the property; however, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey". The signature is written in a cursive style and is positioned above a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **102**
Walton claim

Current Claimant(s) of Record:

Marvin Dean Walker
PO Box 190
Beatty OR 97621

Original Claimant(s):

Marvin Dean Walker

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 7.2 cubic feet per second from points of diversion located on the Sycan River and Snake Creek, tributary to Sprague River, for irrigation of 280 acres.
4. The claimed period of use is April through October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:
 RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31
8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No diversion point; subirrigation

SOURCE: unnamed springs, tributary to Snake Creek

USE: irrigation of 59.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.49 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 20.0 ACRES IRRIGATION
 SE ¼ NE ¼ 34.3 ACRES IRRIGATION
 SECTION 34
 TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW ¼ NW ¼ 4.2 ACRES IRRIGATION
 SE ¼ SE ¼ 1.0 ACRES IRRIGATION
 SECTION 35
 TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 34, Township 35 South, Range 12 East, W.M.

SOURCE: Snake Creek, tributary to Sycan River

USE: irrigation of 137.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.11 cubic feet per second,
measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	38.0	ACRES IRRIGATION
NW ¼ SE ¼	36.4	ACRES IRRIGATION
SW ¼ SE ¼	25.6	ACRES IRRIGATION
SE ¼ SE ¼	37.5	ACRES IRRIGATION

SECTION 34

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 34, Township 35 South,
Range 12 East, W.M.

SOURCE: Snake Creek, tributary to Sycan River

USE: irrigation of 48.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.22 cubic feet per second,
measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	33.0	ACRES IRRIGATION
SE ¼ SW ¼	13.5	ACRES IRRIGATION

SW ¼ SE ¼ 2.1 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 34, Township 35 South, Range 12 East, W.M.

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 21.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.55 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 17.2 ACRES IRRIGATION
SW ¼ SE ¼ 4.7 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

9. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was not used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

10. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **103**
Walton claim

Current Claimant(s) of Record:

John Kronenberger
13673 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Russell Walsh
Edith Walsh

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 9, 1990.
3. The claim is for a total of six cubic feet per second from three points of diversion located on Brown Creek and Sycan River, tributaries to Sprague River, for irrigation of 240 acres.
4. The claimed period of use is April 15 through September 30.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed, as well as additional acreage irrigated.
7. The claimant has not provided sufficient information to calculate the capacity of the delivery system.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 35 South, Range 12 East, W.M.

SOURCE: Brown Creek, tributary to Sprague River

USE: irrigation of 63.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.56 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.2 ACRES IRRIGATION
SECTION 28
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES IRRIGATION
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.6 ACRES IRRIGATION
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 35 South,

Range 12 East, W.M. (West)

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 82.1 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.05 cubic feet per second,
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	15.5	ACRES IRRIGATION
NW ¼ SE ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	0.8	ACRES IRRIGATION
SE ¼ SE ¼	17.8	ACRES IRRIGATION

SECTION 28

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NW ¼	8.0	ACRES IRRIGATION
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SECTION 34

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 28, Township 35 South,
Range 12 East, W.M. (East)

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 130.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.25 cubic feet per second,
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 23.3 ACRES IRRIGATION
SE ¼ SE ¼ 21.4 ACRES IRRIGATION
SECTION 28
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NE ¼ 4.6 ACRES IRRIGATION
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼ 4.0 ACRES IRRIGATION
NW ¼ NW ¼ 40.0 ACRES IRRIGATION
SW ¼ NW ¼ 30.0 ACRES IRRIGATION
SE ¼ NW ¼ 7.6 ACRES IRRIGATION
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. It is unclear whether water for the claimed use was used by the last Indian owner of the property; however, the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **104**
Walton claim

Current Claimant(s) of Record:

Myron E Yadon
519 Fulton St
Klamath Falls OR 97601

Original Claimant(s):

Myron E Yadon

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 8, 1990.
3. The claim is for a total of 0.015 cubic feet per second from one point of diversion located on Ponina Creek, tributary to Snake Creek, for domestic and irrigation of 2 acres.
4. The claimed period of use is “year around”.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the domestic use as claimed. The Department performed a field inspection relating to water use permit 31279 which found domestic use and irrigation use of 0.6 acre.
7. The delivery system has the capacity to deliver 0.01 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Domestic:

RATE: 0.01 cfs/dwelling SEASON: January 1 - December 31

Irrigation:

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

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

POINT OF DIVERSION LOCATION: LOT 5 SE ¼ NE ¼, Section 1, Township 35 South, Range 12 East, W.M.

SOURCE: Ponina Creek, tributary to Snake Creek

USE: domestic and irrigation of 0.6 acre. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion, for domestic and irrigation of 0.6 acre. This is less than the amount claimed.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 5 SE ¼ NE ¼ 0.6 ACRES IRRIGATION AND DOMESTIC
SECTION 1
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was fully developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **105**
Walton claim

Current Claimant(s) of Record:

Rodney N Murray
1945 Painter St
Klamath Falls OR 97601

Original Claimant(s):

Rodney N Murray

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 2.51 cubic feet per second from two points of diversion located on Five Mile Creek, tributary to Sprague River, for livestock watering for 200 head and irrigation of 72.6 acres.
4. The claimed period of use is April 1 to November 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the amounts indicated in item 9 below.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION "A" LOCATION: NW ¼ NE ¼, Section 34, Township 35 South, Range 13 East, W.M.

SOURCE: Fivemile Creek, tributary to North Fork Sprague River

USE: irrigation of 35.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.88 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	6.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	3.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 27

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

NW ¼ NE ¼	20.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	2.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	2.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 34

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

POINT OF DIVERSION "B" LOCATION: SW ¼ SE ¼, Section 27, Township 35

South, Range 13 East, W.M.

SOURCE: Fivemile Creek, tributary to North Fork Sprague River

USE: irrigation of 37.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.94 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.7 ACRES IRRIGATION AND LIVESTOCK
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.7 ACRES IRRIGATION AND LIVESTOCK
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.9 ACRES IRRIGATION AND LIVESTOCK
SECTION 34
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 2400 gallons per day from both points of diversion

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The claimed use was fully developed by Indian owners of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey". The signature is written in a cursive style and is positioned above a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **106**
Walton claim

Current Claimant(s) of Record:

John and Rosemary Young: Trustees for
Young Family Trust
26 Arastradero Road
Portola Valley CA 94028

Original Claimant(s):

John and Rosemary Young: Trustees for
Young Family Trust

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Fivemile Creek, tributary to Sprague River, for domestic including irrigation of 1 acre of lawn and garden.
4. The claimed period of use is April 1 through December 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For domestic including lawn and garden use:SEASON: January 1 - December 31

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 1, Township 35 South, Range 13 East , W.M.

SOURCE: Fivemile Creek, tributary to Sprague River

USE: domestic including lawn and garden

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SE ¼ 1.0 ACRE DOMESTIC INCLUDING LAWN AND GARDEN
SECTION 1
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was not used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **107**
Walton claim

Current Claimant(s) of Record:

JELD-WEN Inc.
3250 Lakeport Blvd
Klamath Falls OR 97601-0268

Original Claimant(s):

JELD-WEN Inc.

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 1 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for "Industrial/Fire suppression" use.
4. The claimed period of use is year round.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed use, "Industrial/Fire suppression," is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.

CONCLUSION

7. The claimed use is not a primary purpose for which the reservation was established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **108**
Walton claim

Current Claimant(s) of Record:

Steven N Beck
7550 Carrisa Hwy
Santa Margarita CA 93453

Original Claimant(s):

Steven N Beck

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 11 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 440 acres.
4. The claimed period of use is May 1 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 1.68 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 3, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 280.3 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.68 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	5.0	ACRES IRRIGATION
NW ¼ NE ¼	35.9	ACRES IRRIGATION
NE ¼ NW ¼	36.0	ACRES IRRIGATION
NW ¼ NW ¼	7.5	ACRES IRRIGATION
SW ¼ NW ¼	38.0	ACRES IRRIGATION
SE ¼ NW ¼	37.5	ACRES IRRIGATION
NE ¼ SW ¼	31.4	ACRES IRRIGATION
NW ¼ SW ¼	40.0	ACRES IRRIGATION
SW ¼ SW ¼	10.4	ACRES IRRIGATION

SECTION 2

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

SW ¼ SE ¼	3.8	ACRES IRRIGATION
SE ¼ SE ¼	34.8	ACRES IRRIGATION

SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **109**
Walton claim

Current Claimant(s) of Record:

Lynne R Cabral
DG and Jean Richardson
21910 Sprague River Road
Chiloquin OR 97624

Original Claimant(s):

Richard Cabral

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 22, 1991.
3. The claim is for a total of 12.2 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 500 acres.
4. The claimed period of use is April 15 through October 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

- 6. A private engineer or surveyor performed a field inspection which found the use as claimed.
- 7. The delivery system has the capacity to deliver 2.61 cubic feet per second.
- 8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, Section 3, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 312.8 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.61 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 2.0 ACRES IRRIGATION
SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

SW ¼ NE ¼ 20.0 ACRES IRRIGATION
SW ¼ NW ¼ 14.7 ACRES IRRIGATION
SE ¼ NW ¼ 37.0 ACRES IRRIGATION
NE ¼ SW ¼ 40.0 ACRES IRRIGATION
NW ¼ SW ¼ 35.0 ACRES IRRIGATION
SW ¼ SW ¼ 35.0 ACRES IRRIGATION
SE ¼ SW ¼ 36.0 ACRES IRRIGATION
NE ¼ SE ¼ 16.1 ACRES IRRIGATION
NW ¼ SE ¼ 39.0 ACRES IRRIGATION

SW ¼ SE ¼ 20.0 ACRES IRRIGATION
SE ¼ SE ¼ 18.0 ACRES IRRIGATION
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used not developed by the last Indian owner of the property.
 - d. The water use was by Panky, the first non-Indian owner of the property the property, diligently developed a portion of the use after transfer from Indian ownership.
 - e. For the 76.9 acres not identified above as being beneficially used, the claim does not establish that the irrigation was diligently developed. These acres were developed over 20 years after the lands transferred from Indian ownership.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **110**
Walton claim

Current Claimant(s) of Record:

Gloria Campbell
1505 SE Ramona St
Portland OR 97202

Original Claimant(s):

Gloria Campbell

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 25, 1991.
3. The claim is for a total of 3.33 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of est. 60 acres.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **112**
Walton claim

Current Claimant(s) of Record:

Sarah A Dexter
Alta M and Lloyd D Vansickle
PO Box 375
Sprague River OR 97639

Original Claimant(s):

Sarah A Dexter
Alta M and Lloyd D Vansickle

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 2.76 cubic feet per second from one point of diversion located on Sprague River, tributary to Williamson River, for 110.4 acres of irrigation, and stock.
4. The claimed period of use is May 1 through October 1 for irrigation and year round for stock.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection which found the use as claimed. The Department performed a field inspection which did not entirely cover the lands involved in the claim.
7. The delivery system has the capacity to deliver 1.68 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 3, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 110.4 acres and livestock use.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.68 cubic feet per second for irrigation, and 696 gallons per day for livestock, measured at the point of diversion. This is less than the amount claimed for both uses.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	19.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼		LIVESTOCK
SE ¼ SW ¼		LIVESTOCK

NE ¼ SE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
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NW ¼ SE ¼ 26.3 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 8.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 3
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **113**
Walton claim

Current Claimant(s) of Record:

Hickey Ranches Inc
PO Box 67
Merrill OR 97633

Original Claimant(s):

Hickey Ranches Inc

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 17.3 cubic feet per second from Whiskey Creek, tributary to Sprague River, and Sprague River, tributary to Williamson River, for irrigation of 370 acres and livestock.
4. The claimed period of use is April 1 to October 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. A private engineer or surveyor performed a field inspection in March 1920 which found the use as from Whiskey Creek as described in item 9 below.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 196.8 acres and livestock watering for 1,000 head

AMOUNT ACTUALLY BENEFICIALLY USED: 4.92 cubic feet per second for irrigation, and 12,000 gallons per day for livestock watering, measured at the point of diversion

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ SE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 22 NE ¼ SW ¼	9.2	ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼	10.7	ACRES IRRIGATION AND LIVESTOCK
LOT 24 NE ¼ SE ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
LOT 25 SE ¼ SE ¼	18.8	ACRES IRRIGATION AND LIVESTOCK

LOT 26 SW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 27 SE ¼ SW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK
LOT 30 SE ¼ SW ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼ 10.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 11

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2 NW ¼ NE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ NW ¼ 18.8 ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW ¼ NW ¼ 18.0 ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NW ¼ 7.5 ACRES IRRIGATION AND LIVESTOCK
LOT 6 NE ¼ NW ¼ 9.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use from Whiskey Creek was used by the last Indian owner of the property to the extent described in item 9 above. The record does not contain evidence that water for the claimed use from Sprague River was used by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **114**
Walton claim

Current Claimant(s) of Record:

Duane Martin
2021 Hwy 88
Ione CA 95640-9113

Original Claimant(s):

Duane Martin

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.
3. The claim is for an unspecified quantity of water from the Sprague River, tributary to Williamson River, for irrigation.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **115**
Walton claim

Current Claimant(s) of Record:

Lula M Smith
4527 El Cerrito Way
Klamath Falls OR 97603

Original Claimant(s):

Lula M Smith

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 29, 1991.
3. The claim is for a total of 5.71 cubic feet per second from one point of diversion located on Whiskey Creek, tributary to Sprague River, for irrigation of 188.1 acres and for 150 pairs of stock.
4. The claimed period of use is April 1 through October 1 for irrigation and year round for stock watering.
5. The claimed priority date is 1864.

FINDINGS OF FACT

- 6. The Department performed a field inspection which found the use as claimed.
- 7. The delivery system has the capacity to deliver the claimed amount.
- 8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 179.5 acres and livestock use. This is less acreage than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 4.49 cubic feet per second, measured at the point of diversion for irrigation and 3600 gallons per day for livestock. This is less than the amount claimed for both uses.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 21 NW ¼ SW ¼	1.6	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	9.7	ACRES IRRIGATION
LOT 28 SW ¼ SW ¼	15.9	ACRES IRRIGATION
LOT 29 SW ¼ SW ¼	16.6	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	15.5	ACRES IRRIGATION

SECTION 12
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2	NW ¼ NE ¼	7.8	ACRES IRRIGATION
LOT 3	NE ¼ NW ¼	19.8	ACRES IRRIGATION
LOT 4	NW ¼ NW ¼	9.0	ACRES IRRIGATION
LOT 5	NW ¼ NW ¼	5.5	ACRES IRRIGATION
LOT 6	NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 7	NW ¼ NE ¼	16.9	ACRES IRRIGATION
LOT 10	SW ¼ NE ¼	13.7	ACRES IRRIGATION
LOT 11	SE ¼ NW ¼	15.1	ACRES IRRIGATION
LOT 12	SW ¼ NW ¼	2.0	ACRES IRRIGATION
LOT 15	SW ¼ NE ¼	10.5	ACRES IRRIGATION

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 21	NW ¼ SW ¼	LIVESTOCK
LOT 27	SE ¼ SW ¼	LIVESTOCK
LOT 28	SW ¼ SW ¼	LIVESTOCK
LOT 29	SW ¼ SW ¼	LIVESTOCK
LOT 30	SE ¼ SW ¼	LIVESTOCK

SECTION 12

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 2	NW ¼ NE ¼	LIVESTOCK
LOT 3	NE ¼ NW ¼	LIVESTOCK
LOT 4	NW ¼ NW ¼	LIVESTOCK
LOT 5	NW ¼ NW ¼	LIVESTOCK
LOT 6	NE ¼ NW ¼	LIVESTOCK
LOT 7	NW ¼ NE ¼	LIVESTOCK
LOT 10	SW ¼ NE ¼	LIVESTOCK
LOT 11	SE ¼ NW ¼	LIVESTOCK
LOT 12	SW ¼ NW ¼	LIVESTOCK
LOT 15	SW ¼ NE ¼	LIVESTOCK

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - The irrigation of 179.5 acres was developed by the Indian owner around 1916.
 - The 8.6 acres of irrigation not allowed was developed in 1962. This is not

considered diligent development.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **116**
Walton claim

Current Claimant(s) of Record:

Hugh D Stevenson
7906 Hwy 140 E
Klamath Falls OR 97603

Original Claimant(s):

Hugh D Stevenson

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 27, 1990.
3. The claim is for a total of 1.18 cubic feet per second from one point of diversion located on Modoc Billy Creek, tributary to Sprague River, for irrigation of 47.1 acres.
4. The claimed period of use is Mid February through July 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish that the land appurtenant to the claim has been owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **117**
Walton claim

Current Claimant(s) of Record:

Bruce S Topham
35133 Sprague River Rd
Sprague River OR 97639

Original Claimant(s):

Bruce S Topham

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.
3. The claim is for a total of 6.69 cubic feet per second from two points of diversion located on Whiskey Creek and one point of diversion located on an unnamed spring, tributaries to Sprague River, for irrigation of 306.5 acres, livestock use and domestic use.
4. The claimed period of use is May 1 through October 15 for irrigation and year round for domestic and livestock use.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did not support the entire claim.
7. The delivery systems for point of diversion #1 and point of diversion #2 have the capacity to deliver the claimed amount. However, point of diversion #3 has the capacity to deliver 2.28 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Domestic:

RATE: 0.01 cfs/household SEASON: January 1 - December 31

Livestock:

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

Irrigation:

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

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

POINT OF DIVERSION LOCATION: point of diversion #1 - Government Lot 32, SE ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: an unnamed spring, tributary to Sprague River

USE: domestic use for one household

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ DOMESTIC USE FOR ONE HOUSEHOLD
SECTION 24
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: point of diversion #2 - Government Lot 18, NW ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 77.6 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.94 cubic feet per second, measured at the point of diversion for irrigation of 77.6 acres.

PERIOD OF USE: March 1 - October 31 for irrigation of 77.6 acres
January 1 - December 31 for livestock use

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 18 NW ¼ SE ¼	16.5	ACRES IRRIGATION AND LIVESTOCK
LOT 23 NW ¼ SE ¼	10.6	ACRES IRRIGATION AND LIVESTOCK
LOT 25 SE ¼ SE ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
LOT 26 SW ¼ SE ¼	11.1	ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 32 SE ¼ SE ¼	16.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

POINT OF DIVERSION LOCATION: point of diversion #3 - Government Lot 32, SE ¼ SE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 151.9 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.28 cubic feet per second, measured at the point of diversion for irrigation of 151.9 acres.

PERIOD OF USE: March 1 - October 31 for irrigation of 151.9 acres
January 1 - December 31 for livestock use

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 27 SE ¼ SW ¼ 6.9 ACRES IRRIGATION AND LIVESTOCK
LOT 30 SE ¼ SW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK
LOT 31 SW ¼ SE ¼ 11.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 39.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 23.6 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 17.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 28.8 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK

SECTION 24

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 7200 gallons per day for 600 head (0.13 cubic feet per second); stock drink directly from point of diversion #2 and point of diversion #3, as well as the canals.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property within a reasonable time period after transfer from the last Indian owner.
 - e. For the 77.0 acres not identified above as being beneficially used, the claim does

not establish that the irrigation was diligently developed. These acres were developed over 17 years after the lands transferred from Indian ownership.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **118**
Walton claim

Current Claimant(s) of Record:

George Dougan
Dougan, Ruth
PO Box 158
Beatty OR 97621

Original Claimant(s):

George Dougan
Dougan, Ruth

The general location of the claimed use is Section 32, Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 29, 1990.
3. The claim is for a total of 1 cubic foot per second from one point of diversion located on Riddle Spring, tributary to East Branch Whiskey Creek, for irrigation of 44.2 acres.
4. The claimed period of use is February - October.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **119**
Walton claim

Current Claimant(s) of Record:

F M S Shorthorn Ranch
PO Box 38
Beatty OR 97621

Original Claimant(s):

F M S Shorthorn Ranch

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 19, 1990.
3. The claim is for a total of 5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Sprague River, for irrigation of 96.5 acres, domestic use, and livestock.
4. The claimed period of use is April 1 to September 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **120**
Walton claim

Current Claimant(s) of Record:

Con J Flynn
421 South G
Lakeview OR 97630

Original Claimant(s):

Con J Flynn

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 2, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 6.63 cubic feet per second from two points of diversion located on Spring at head of Spring Creek and Brown Creek, tributary to Sprague River, for irrigation of 265 acres.
4. The claimed period of use is March 15 through October 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **121**
Walton claim

Current Claimant(s) of Record:

Con J Flynn
Flynn, Nora P and John C
421 South G
Lakeview OR 97630

Original Claimant(s):

Con J Flynn
Flynn, Nora P and John C

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 11, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 2.64 cubic feet per second from two points of diversion located on Spring at head of Spring Creek and Brown Creek, tributary to Sprague River, for irrigation of 105.6 acres.
4. The claimed period of use is March 15 through October 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property; however, the record does not establish the extent of development on transfer from Indian ownership.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **122**
Walton claim

Current Claimant(s) of Record:

Flynn Bros.
421 South G
Lakeview OR 97630

Original Claimant(s):

Flynn Brothers

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 14.47 cubic feet per second from two points of diversion located on Brown Creek and unnamed stream, tributary to Sprague River, for irrigation of 553.2 acres.
4. The claimed period of use is March 15 through October 15.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The record does not establish a transfer from Klamath Indian ownership.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **123**
Walton claim

Current Claimant(s) of Record:

John Kronenberger
13673 Sprague River Rd
Chiloquin OR 97624

Original Claimant(s):

Charles A Gunn

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on October 19, 1990.
3. The claim is for a total of 8.7 cubic feet per second from five points of diversion located on Sycan River, tributary to Sprague River, for irrigation of 415 acres.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The NE ¼ of Section 10 has been owned by an Indian, but the record does not indicate the date of transfer to a non-Indian. The record does not establish a transfer from Klamath Indian ownership for any other claimed lands.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **124**
Walton claim

Current Claimant(s) of Record:

Claude Taylor
PO Box 291
Beatty OR 97621

Richard Duarte
9701 Harvey Road
Galt CA 95632

Original Claimant(s):

John House

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 17.34 cubic feet per second from two points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 695.1 acres.
4. The claimed period of use is March 10 through November 10.

5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. Since the claim was filed, the property appurtenant to the claim has been sold. The property north of the Sprague River, served by the “north” diversion point, is owned by Richard Duarte. The property south of Sprague River, served by the “south” diversion point, is owned by Claude Taylor.
8. The delivery system for the “north” diversion point has the capacity to deliver the claimed amount for the lands north of the Sprague River. However, the delivery system for the “south” diversion point has the capacity to deliver 1.83 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

10. The Department finds the following actual use, subject to rate, duty, and season limit

“North” Diversion Point - Lands north of Sprague River:

POINT OF DIVERSION LOCATION: Government Lot 30, SE ¼ SW ¼, Section 8, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 307.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 7.67 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼	14.4	ACRES IRRIGATION
SE ¼ SW ¼	22.0	ACRES IRRIGATION
NE ¼ SE ¼	7.1	ACRES IRRIGATION
NW ¼ SE ¼	1.1	ACRES IRRIGATION
SW ¼ SE ¼	31.6	ACRES IRRIGATION
SE ¼ SE ¼	30.5	ACRES IRRIGATION

SECTION 5

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1 NE ¼ NE ¼	14.3	ACRES IRRIGATION
LOT 2 NW ¼ NE ¼	19.0	ACRES IRRIGATION
LOT 7 NW ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 8 NE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 9 SE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 10 SW ¼ NE ¼	19.5	ACRES IRRIGATION
LOT 15 SW ¼ NE ¼	19.5	ACRES IRRIGATION
LOT 16 SE ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 19 NE ¼ SW ¼	18.2	ACRES IRRIGATION
LOT 20 NW ¼ SW ¼	9.7	ACRES IRRIGATION
LOT 22 NE ¼ SW ¼	11.0	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	8.6	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	0.8	ACRES IRRIGATION

SECTION 8

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

“South” Diversion Point - Lands north of Sprague River:

POINT OF DIVERSION LOCATION: Government Lot 16, SE ¼ NE ¼, Section 17, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 387.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.83 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 21 NW ¼ SW ¼	3.5	ACRES IRRIGATION
LOT 27 SE ¼ SW ¼	1.4	ACRES IRRIGATION
LOT 28 SW ¼ SW ¼	14.8	ACRES IRRIGATION
LOT 29 SW ¼ SW ¼	20.0	ACRES IRRIGATION
LOT 30 SE ¼ SW ¼	17.2	ACRES IRRIGATION
LOT 31 SW ¼ SE ¼	11.1	ACRES IRRIGATION

SECTION 8

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 2 NW ¼ NE ¼	6.2	ACRES IRRIGATION
LOT 3 NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 4 NW ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 5 NW ¼ NW ¼	19.9	ACRES IRRIGATION
LOT 6 NE ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 7 NW ¼ NE ¼	15.2	ACRES IRRIGATION
LOT 8 NE ¼ NE ¼	5.1	ACRES IRRIGATION
LOT 9 SE ¼ NE ¼	15.2	ACRES IRRIGATION
LOT 10 SW ¼ NE ¼	20.0	ACRES IRRIGATION
LOT 11 SE ¼ NW ¼	19.5	ACRES IRRIGATION
LOT 12 SW ¼ NW ¼	16.7	ACRES IRRIGATION
LOT 13 SW ¼ NW ¼	11.5	ACRES IRRIGATION
LOT 14 SE ¼ NW ¼	18.5	ACRES IRRIGATION
LOT 15 SW ¼ NE ¼	18.8	ACRES IRRIGATION
LOT 16 SE ¼ NE ¼	17.7	ACRES IRRIGATION
LOT 17 NE ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 18 NW ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 19 NE ¼ SW ¼	12.7	ACRES IRRIGATION
LOT 20 NW ¼ SW ¼	0.8	ACRES IRRIGATION
LOT 23 NW ¼ SE ¼	3.5	ACRES IRRIGATION
LOT 24 NE ¼ SE ¼	17.5	ACRES IRRIGATION
LOT 25 SE ¼ SE ¼	6.0	ACRES IRRIGATION

SECTION 17

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian

Reservation.

- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed use was used by the last Indian owner of the property.
- d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **126**
Walton claim

Current Claimant(s) of Record:

C A Matney
Matney, Ada R
14981 Matney Rd
Klamath Falls OR 97603

Original Claimant(s):

C A Matney
Matney, Ada R

The general location of the claimed use is Section 9, Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of one cubic foot per second from one point of diversion located on an unnamed stream, tributary to Sprague River, for irrigation. The claimant did not specify the number of acres irrigated.
4. The claimed period of use is April through September.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Joshua William, a Klamath Indian. Ownership transferred to non-Indians in 1956.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **127**
Walton claim

Current Claimant(s) of Record:

C A Matney
Matney, Ada R
14981 Matney Rd
Klamath Falls OR 97603

Original Claimant(s):

C A Matney
Matney, Ada R

The general location of the claimed use is Section 15, Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 6, 1990.
3. The claim is for a total of one cubic foot per second from one point of diversion located on Brown Spring, tributary to Sprague River, for irrigation. The claimant did not specify the number of acres irrigated.
4. The claimed period of use is April through September.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required Walton elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by Lawrence Raymond Head and Barbara Jean Head, Klamath Indians. Ownership transferred to non-Indians in 1957.
 - c. The record does not establish that water for the claimed use was used by the last Indian owner of the property.
 - d. The record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **128**
Walton claim

Current Claimant(s) of Record:

William L Gallagher
Whiskey Creek Ranch
PO Box 309
Beatty OR 97621

Original Claimant(s):

William L Gallagher
Whiskey Creek Ranch

The general location of the claimed use is Township 36 South, Ranges 11 and 12 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 16, 1991.
3. The claim is for a total of 18.2 cubic feet per second from nine points of diversion located on Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River, and Modoc Billy Creek, Lola-K-Wast Spring, and unnamed springs, tributaries to Whiskey Creek, for irrigation of 724.7 acres and domestic use.
4. The claimed period of use is April 1 through November 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimant has divided the claim into eleven areas, as described below under item 9. The Department performed a field inspection and obtained aerial photographs which found the use as claimed in all areas except Area 10. A private engineer or surveyor prepared a map showing lands claimed in addition to lands mapped by the Department (Area 10).
7. The delivery system has the capacity to deliver the claimed amount for Areas 1, 2, 3, 7, 8, 9, 10, and 11. The delivery systems for Areas 4 and 6 has the capacity to deliver 1.81 cubic feet per second and 0.58 cubic feet per second, respectively. The claimant did not specify a claimed rate for Area 5; the delivery system for Area 5 has the capacity to deliver 0.58 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Domestic:

RATE: 0.01 cfs/dwelling SEASON: January 1 - December 31

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

Area #1:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River

USE: irrigation of 55.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.25 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ 26.6 ACRES IRRIGATION
SE ¼ SW ¼ 29.1 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #2:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek and Whiskey Creek Springs, tributaries to Sprague River

USE: irrigation of 55.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.99 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 31.4 ACRES IRRIGATION
NW ¼ SE ¼ 25.4 ACRES IRRIGATION
SW ¼ SE ¼ 20.5 ACRES IRRIGATION
SE ¼ SE ¼ 6.5 ACRES IRRIGATION
SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #3:

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek

USE: irrigation of 147.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.41 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 0.6 ACRES IRRIGATION
NE ¼ NW ¼ 29.8 ACRES IRRIGATION
SE ¼ NW ¼ 35.2 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 37.2 ACRES IRRIGATION
LOT 2 SW ¼ NW ¼ 44.5 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #4:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 36, Township 36 South, Range 11 East, W.M.

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek

USE: irrigation of 232.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.81 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 0.6 ACRES IRRIGATION
SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NE ¼ NE ¼ 26.6 ACRES IRRIGATION
NW ¼ NE ¼ 12.0 ACRES IRRIGATION
SW ¼ NE ¼ 0.3 ACRES IRRIGATION
SE ¼ NE ¼ 29.7 ACRES IRRIGATION
NE ¼ SE ¼ 15.6 ACRES IRRIGATION
SE ¼ SE ¼ 2.0 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NE ¼ SW ¼ 1.9 ACRES IRRIGATION
SE ¼ SW ¼ 7.2 ACRES IRRIGATION
LOT 3 NW ¼ SW ¼ 44.4 ACRES IRRIGATION
LOT 4 SW ¼ SW ¼ 44.5 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

NE ¼ NW ¼ 4.1 ACRES IRRIGATION
LOT 1 NW ¼ NW ¼ 43.8 ACRES IRRIGATION
SECTION 31
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #5:

POINT OF DIVERSION LOCATION: Lot 2, NW ¼ NE ¼, Section 1, Township 37 South, Range 11 East, W.M.

SOURCE: unnamed springs, tributary to Whiskey Creek

USE: irrigation of 20.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.52 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 7.2 ACRES IRRIGATION
SE ¼ SE ¼ 13.5 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #6:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 30, Township 36 South, Range 12 East, W.M.

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek

USE: irrigation of 47.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.58 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 13.8 ACRES IRRIGATION
NW ¼ SE ¼ 32.0 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #7:

POINT OF DIVERSION LOCATIONS: SW ¼ NE ¼ and SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M. (Water from points of diversion for Areas 2 and 6 commingle and serve Area 7.)

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek, and Whiskey Creek, tributary to Sprague River

USE: irrigation of 23.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.51 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 1.4 ACRES IRRIGATION
SE ¼ NW ¼ 4.8 ACRES IRRIGATION
NE ¼ SW ¼ 11.5 ACRES IRRIGATION
NW ¼ SE ¼ 5.3 ACRES IRRIGATION
SECTION 30

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #8:

POINT OF DIVERSION LOCATIONS: SE ¼ SW ¼, Section 30, Township 36 South, Range 12 East, W.M. and NE ¼ NW ¼, Section 36, Township 36 South, Range 11 East, W.M. (Water from points of diversion for Areas 1 and 4 commingle and serve Area 8.)

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek, and Whiskey Creek, tributary to Sprague River

USE: irrigation of 22.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.58 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 14.9 ACRES IRRIGATION
SE ¼ SE ¼ 1.9 ACRES IRRIGATION
SECTION 25
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

NW ¼ NE ¼ 5.4 ACRES IRRIGATION
SECTION 36
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

Area #9:

POINT OF DIVERSION LOCATIONS: NE ¼ SE ¼, Section 36, Township 36 South, Range 11 East, W.M. and Lot 2, NW ¼ NE ¼, Section 1, Township 37 South, Range 11 East, W.M. (Water from points of diversion for Areas 4 and 5 commingle and serve Area 9.)

SOURCE: Modoc Billy Creek, tributary to Whiskey Creek, and unnamed springs, tributary to Whiskey Creek

USE: irrigation of 17.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second,
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼ 5.9 ACRES IRRIGATION
NE ¼ SE ¼ 11.4 ACRES IRRIGATION
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Area #10: No use allowed.

Area #11:

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 30, Township 36
South, Range 12 East, W.M.

SOURCE: Lola-K-Wast Spring, tributary to Whiskey Creek

USE: domestic use for two homes and livestock watering for 1200 head

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second,
being 0.01 for domestic and 0.01 for livestock, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ DOMESTIC AND LIVESTOCK
SECTION 30
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.

- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. The claimed use was completely developed by the last Indian owner of the property.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **129**
Walton claim

Current Claimant(s) of Record:

Pierre A. Kern
2730 Avenida Caballo
Santa Ynez CA 93460

Original Claimant(s):

Tottsie W. J. Lorenz Et Al

The general location of the claimed use is Township 36 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 6.02 cubic feet per second from one point of diversion located on Five Mile Creek, tributary to North Fork Sprague River, for irrigation of 246.9 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **130**
Walton claim

Current Claimant(s) of Record:

River Springs Ranch Co
2730 Avenida Caballo
Santa Ynez CA 93460

Original Claimant(s):

River Springs Ranch Co

The general location of the claimed use is Township 36 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.5 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 424 acres. No additional water is claimed for wildlife and livestock use.
4. The claimed period of use is April 15 through November 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which did find the irrigation and livestock use as claimed.
7. The claimed use, "Wildlife," is not a primary purpose for which the reservation was established. Primary purposes include only domestic, livestock, and irrigation.
8. The delivery system has the capacity to deliver 5.70 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 22, Township 36 South, Range 13 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 404.0 acres and incidental livestock. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 5.70 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼	30.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	19.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	11.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	20.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

SW ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
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SE ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	18.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	17.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	32.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	36.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	34.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼	22.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	16.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	10.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 22

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

NE ¼ NE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	22.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	2.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	31.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	31.5	ACRES IRRIGATION AND LIVESTOCK

SECTION 23

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

11. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was not used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **131**
Walton claim

Current Claimant(s) of Record:

Larry Olson
700 Port Avenue
St. Helens OR 97051

River Springs Ranch Co
2730 Avenida Caballo
Santa Ynez CA 93460

Rodney Murray
1945 Painter Street
Klamath Falls OR 97601

Original Claimant(s):

Bernard L. Simonsen

The general location of the claimed use is Township 36 South, Range 13 East, Township 36 South, Range 14 East W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on February 8, 1991.

3. The claim is for a total of 15.87 cubic feet per second from four points of diversion located on Five Mile Creek, tributary to Sprague River, for irrigation of 634.5 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source for the lands described as “Parcel 1” was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation.
7. In response to Department letter requesting separation of claim for non-contiguous property, a new claim form was submitted by Larry Olson for “Parcel 2” and “Parcel 3”, received January 13, 1999.
8. A private engineer or surveyor performed a field inspection which found the use as claimed for the portion of the claim described as “Parcel 3”. However, no field inspection by a private engineer or surveyor was submitted for “Parcel 2”.
9. For the portion of the claim described as “Parcel 2” and “Parcel 3”, the delivery system has the capacity to deliver the claimed amount.
10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

11. For the portion of the claim described as “Parcel 2”, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION:

SW ¼ NE ¼, Section 1, Township 36 South, Range 13 East, W.M.

SOURCE: Five Mile Creek, tributary to Sprague River

USE: irrigation of 65.5 acres (described as “Parcel 2”).

AMOUNT ACTUALLY BENEFICIALLY USED: 1.64 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	8.5	ACRES IRRIGATION
SE ¼ NE ¼	6.0	ACRES IRRIGATION
NE ¼ SE ¼	27.9	ACRES IRRIGATION
SE ¼ SE ¼	23.1	ACRES IRRIGATION

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

For the portion of the claim described as “Parcel 3”, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATIONS:

NE ¼ NE ¼, Section 2, Township 36 South, Range 13 East, W.M.

SE ¼ NW ¼, Section 1, Township 36 South, Range 13 East, W.M.

SOURCE: Five Mile Creek, tributary to Sprague River

USE: irrigation of 79.6 acres (described as a portion of “Parcel 3”). This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.99 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NW ¼	30.3	ACRES IRRIGATION
SE ¼ NW ¼	24.0	ACRES IRRIGATION

SECTION 1

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

SE ¼ NE ¼	7.7	ACRES IRRIGATION
LOT 1 NE ¼ NE ¼	17.6	ACRES IRRIGATION

SECTION 2

TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.

12. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. For “Parcel 2” and “Parcel 3”, except as noted in “e” below, the land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. For “Parcel 2” , the extent of development prior to transfer from the last Indian owner is unclear. However, the water was diligently developed by non-Indian owners of the property after transfer.
 - d. For “Parcel 3”, except as noted in “f” below, water for the claimed use was fully developed by the last Indian owner of the property.
 - e. However, for the 1.6 acres in Lot 4 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 36 South, Range 13 East, W.M., the record does not establish who the last Indian owner of the property was, or the extent of use developed at the time the property left Indian ownership.
 - f. In addition, for the 1.6 acres in Lot 4 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 36 South, Range 13 East, W.M., the record does not establish that the water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

13. The claimed source for the lands described as “Parcel 1” was previously adjudicated as a part of the adjudication of the portions of the Sprague River basin outside the Klamath Indian Reservation. Therefore, this portion of the claim is denied.
14. The elements for a *Walton* right are established for a portion of the claim described as “Parcel 2” and “Parcel 3”. Therefore, this portion of the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **234**
Walton claim

Current Claimant(s) of Record:

T. C. Littlejohn
Sue Littlejohn
Littlejohn Living Trust
32110 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Wilbur Crim

The general location of the claimed use is Township 35 South, Range 7 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 39.0 acre-feet from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 8.7 acres, and livestock.
4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.

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

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, NE ¼ NE ¼, Section 30, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 8.7 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.22 cubic feet per second, measured at the point of diversion for irrigation.

50 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2 NE ¼ NE ¼ 8.5 ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ NE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
- b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
- c. Water for the claimed uses was fully developed at the time the lands passed from Indian to non-Indian ownership in March of 1995.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **236**
Walton claim

Current Claimant(s) of Record:

Mark D. Anderton
PO Box 1318
Chiloquin OR 97624

Original Claimant(s):

Cloverice Eggsman

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 354.1 acre-feet from points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 57.1 acres, stock use for 6 horses, 35.1 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed uses.
7. No delivery system exists. The irrigation is accomplished by means of natural, springtime overflow.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 57.1 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.43 cubic feet per second for irrigation

60 gallons per day for livestock

PERIOD OF USE: March 21 - June 21 for irrigation. This is a shorter season than was claimed.

January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	36.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	15.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 23

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

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. Mr. Anderton purchased the property involved in this claim on July 30, 1996 from Cloverine Eggsman, wife of Walter Eggsman (deceased). Walter Eggsman was a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property to the extent listed above in item 9.
11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **242**
Walton claim

Current Claimant(s) of Record:

Ambrose W. McAuliffe
Susan J. McAuliffe
PO Box 456
Fort Klamath, OR 97626

Original Claimant(s):

Lawrence Hall

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 597.3 acre-feet from points of diversion located on Fort Creek and Crooked Creek, tributary to Wood River, irrigation of 98.9 acres, 200 head of cattle, and 54.6 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year round for stock watering.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is written in black ink and is positioned to the right of the date.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **263**
Walton claim

Current Claimant(s) of Record:

Mark Tunno
PO Box 412
Fort Klamath, OR 97626

Original Claimant(s):

Allen K. Nelson

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on March 18, 1991.
3. The claim is for a total of 164.0 acre-feet from points of diversion located on Fort Creek, for irrigation of 52.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.
7. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

8. This claim was received after the deadline for submitting a claim and is for a source which has previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **274**
Walton claim

Current Claimant(s) of Record:

T. J. Lindbloom
Tim Cummins
dba Conifer Timber
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 587.3 acre-feet from an unnamed draw/creek, tributary to the Sprague River, and the Sprague River, for irrigation of 86.3 acres, stock use for 350 head of cattle, and 68.2 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.

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

FINDINGS OF FACT

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

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

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

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ NE ¼, Section 13, Township 36 South, Range 10 East, W.M.

SOURCE: Unnamed draw/creek, tributary to Sprague River

USE: irrigation of 86.3 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.16 cubic feet per second for irrigation

4200 gallons per day for livestock

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1	NE ¼ NE ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	8.2	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NE ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ NE ¼	8.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	15.8	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SW ¼ NE ¼	14.7	ACRES IRRIGATION AND LIVESTOCK

LOT 16 SE ¼ NE ¼ 7.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.
 - c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.
11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **275**
Walton claim

Current Claimant(s) of Record:

Elwood Miller Jr.
Rachel Miller
PO Box 274
Chiloquin, OR 97624

Original Claimant(s):

Ramon L. Unive

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 21.71 acre-feet from one point of diversion located on Williamson River, for irrigation of 1.2 acres, stock use for 1 horse, and 5.3 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 27, Township 34 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 1.2 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second for irrigation

10 gallons per day for livestock

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

January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 27
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian

Reservation.

- b. Elwood Miller, Jr. and Rachel Miller purchased the property involved in this claim on July 31, 1991, from Ramon Unive. Ramon Unive was a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property to the extent listed above in item 9.
11. This claim was originally filed as an Allottee claim.

CONCLUSION

12. The elements for a *Walton* right are established for this claim. In addition to the developed uses, the owner has the right to further develop the use of water with reasonable diligence. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above and additional beneficial use developed with reasonable diligence.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **674**
Walton claim

Current Claimant(s) of Record:

Scott Runels
Margie Runels
HC 63 Box 305
Chiloquin OR 97624

Original Claimant(s):

Scott Runels
Margie Runels

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

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 5000 gallons per day from Cow Creek, tributary to Williamson River, for livestock.
4. The claimed period of use is year around.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Livestock:

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 31 South, Range 8 East, W.M.

SOURCE: Cow Creek, tributary to Williamson River

USE: 250 pair livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5000 gallons per day, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 5 NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
LOT 6 SW $\frac{1}{4}$ SE $\frac{1}{4}$
LOT 7 SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

LOT 7 SW $\frac{1}{4}$ SW $\frac{1}{4}$
LOT 8 SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 8 EAST, W.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$

SE ¼ NE ¼
LOT 3 NE ¼ NW ¼
LOT 4 NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
SECTION 5
TOWNSHIP 31 SOUTH, RANGE 8 EAST, W.M.

10. For the required *Walton* elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The land appurtenant to the claim was formerly owned by a Klamath Indian.
 - c. Water for the claimed use was used by the last Indian owner of the property.
 - d. The water use was diligently developed by non-Indian owners of the property after transfer from the last Indian owner.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **697**
Walton claim

Current Claimant(s) of Record:

Richard W. Graham
475 Kaer Ave
Red Bluff, CA 96080

Allan Klus
Irene Klus
4785 Onyx Dr
Klamath Falls, OR 97603

Original Claimant(s):

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 1999.

ELEMENTS OF A WALTON CLAIM

1. Elements of a Walton right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 164.0 acre-feet from points of diversion located on Fort Creek, for irrigation of 52.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.



7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script that reads "Richard D. Bailey".

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **703**
Walton claim

Current Claimant(s) of Record:

Nature Conservation Trust
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 10145.85 acre-feet from Cherry Creek, an unnamed creek, and the Sprague River, tributary to Williamson River, for irrigation of 889.6 acres, and stock use.
4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 9, Township 36 South, Range 10 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 129.7 acres, supplemental irrigation of 374.6 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 3.68 cubic feet per second for irrigation and supplemental irrigation; based on the system capacity

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	32.8	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SW ¼	1.1	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ SW ¼	19.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SW ¼	19.6	ACRES SUPPLEMENTAL IRRIGATION

SECTION 5

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

NE ¼ NE ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	14.3	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NW ¼	15.6	ACRES SUPPLEMENTAL IRRIGATION

NE ¼ SW ¼	12.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SW ¼	6.5	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ SE ¼	6.7	ACRES SUPPLEMENTAL IRRIGATION

SECTION 8

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

NE ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	10.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	34.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	28.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	10.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	12.2	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NE ¼	14.0	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ NE ¼	16.4	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ NE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ NW ¼	7.8	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NW ¼	10.1	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼	3.1	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SE ¼	40.0	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SE ¼	26.4	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ SE ¼	9.3	ACRES SUPPLEMENTAL IRRIGATION

SECTION 9

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

NW ¼ NE ¼	6.0	ACRES SUPPLEMENTAL IRRIGATION
SW ¼ NE ¼	8.8	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NE ¼	1.9	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ NW ¼	4.6	ACRES SUPPLEMENTAL IRRIGATION
SE ¼ NW ¼	5.7	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼	1.6	ACRES SUPPLEMENTAL IRRIGATION
NE ¼ SE ¼	0.4	ACRES SUPPLEMENTAL IRRIGATION
NW ¼ SE ¼	10.1	ACRES SUPPLEMENTAL IRRIGATION

SECTION 17

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

POINT OF DIVERSION LOCATION: No diversion point; natural overflow

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 167.4 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 4.19 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 19.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ SW ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 33.1 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼ 8.6 ACRES IRRIGATION AND LIVESTOCK
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 6.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 8
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼ 26.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼ 28.2 ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼ 27.8 ACRES IRRIGATION AND LIVESTOCK
SECTION 9
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to Sprague River

USE: irrigation of 264.1 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 6.60 cubic feet per second for irrigation and supplemental irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	32.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	19.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 5

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

NE ¼ NW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	15.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	9.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	6.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 8

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

NW ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	8.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	10.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	12.4	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	12.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	6.6	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	2.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	13.9	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	11.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 17

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

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to an unnamed tributary to the Sprague River

USE: irrigation of 5.0 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.13 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 5.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 17
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: Cherry Creek, tributary to Sprague River

USE: irrigation of 11.5 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.29 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ NE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 8.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: commingled water from unnamed creek, Cherry Creek, and storage, tributary to Sprague River

USE: irrigation of 75.1 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.88 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼	13.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 9
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NE ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	25.5	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	5.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	7.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	9.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 16, Township 36 South, Range 10 East, W.M.

SOURCE: Cherry Creek and stored water, tributary to Sprague River

USE: irrigation of 4.9 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.12 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	1.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion; natural overflow

SOURCE: unnamed creek, tributary to Cherry Creek

USE: irrigation of 24.8 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.62 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 8.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

NE ¼ NW ¼ 16.3 ACRES IRRIGATION AND LIVESTOCK
SECTION 16
TOWNSHIP 36 SOUTH, RANGE 10 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: The amount for livestock, together with the amount allowed for livestock under claim #704, is 8400 gallons per day from all sources, for 700 head of cattle, measured at the point of diversion.

10. For the required *Walton* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.
 - c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.
11. This claim was originally filed as an Allottee claim.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in black ink, reading "Richard D. Bailey". The signature is written in a cursive style and is positioned above the printed name.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **704**
Walton claim

Current Claimant(s) of Record:

Nature Conservation Trust
PO Box 298
Roseburg, OR 97470

Original Claimant(s):

Phil Tupper

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 10145.85 acre-feet from Cherry Creek, an unnamed creek, and the Sprague River, tributary to Williamson River, for irrigation of 889.6 acres, and stock use.
4. The claimed period of use is March 1 through October 16 for irrigation, and year round for stock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. The Department performed a field inspection and found the claimed use.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: No diversion; subirrigated

SOURCE: springs in the SE ¼ NE ¼, Section 28, Township 36 South, Range 6 East, W.M., tributary to Cherry Creek

USE: irrigation of 2.3 acres, and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.06 cubic feet per second for irrigation

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK

SE ¼ NE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 16

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

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: The amount for livestock, together with the amount allowed for livestock under claim #703, is 8400 gallons per day from all sources, for 700 head of cattle, measured at the point of diversion.

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

- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. T. J. Lindbloom and Tim Cummins, dba Conifer Timber, purchased the property involved in this claim from Phil Tupper. Phil Tupper was a Klamath Indian.
 - c. Water for the claimed, existing use was used by the last Indian owner of the property to the extent listed above in item 9.
11. This claim was originally filed as an Allottee claim.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **708**
Walton claim

Current Claimant(s) of Record:

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

Original Claimant(s):

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

The general location of the claimed use is Townships 33 and 34 South, Range 7.5 East, W.M.

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

ELEMENTS OF A WALTON CLAIM

1. Elements of a *Walton* right with an October 14, 1864 priority date are:
 - a. The claim must be for a water use on land that was formerly a part of the Klamath Indian Reservation.
 - b. Transfer from Indian ownership.
 - c. The extent of development at the time of transfer from Indian ownership.
 - d. The extent of diligent development since the transfer from Indian ownership.

CLAIM INFORMATION

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 12.33 cubic feet per second from Fort Creek and Crooked Creek, tributaries to Wood River, for irrigation of 2295.9 acres and livestock.
4. The claimed period of use is April 1 through November 1 for irrigation and all year for livestock.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

7. This claim is for a source which has been previously adjudicated. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", written over a horizontal line.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication