

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

Claim No. **1**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Lawrence Iverson  
Iverson, Marjorie  
PO Box 97  
Silver Lake OR 97601

**Original Claimant(s):**

Lawrence Iverson  
Iverson, Marjorie

The general location of the claimed use is Township 27 South, Ranges 9 and 10 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 16, 1990.
3. The claim is for an unspecified rate from natural flood- and sub-irrigation of 157.2 acres from Jack Creek, tributary to Klamath Marsh.
4. The claimed period of use is March 1 through November 1.
5. The claimed priority date is "prior to 1909."

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. There is no delivery system; irrigation occurs through natural means.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists.

SOURCE: Jack Creek, tributary to Klamath Marsh

USE: irrigation of 138.7 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.47 cubic feet per second

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1899

PLACE OF USE:

NW ¼ SW ¼	10.6	ACRES IRRIGATION
SW ¼ SW ¼	4.2	ACRES IRRIGATION
SE ¼ SW ¼	21.3	ACRES IRRIGATION
SW ¼ SE ¼	9.0	ACRES IRRIGATION

SECTION 13

TOWNSHIP 27 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	13.8	ACRES IRRIGATION
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SECTION 24

TOWNSHIP 27 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NW ¼	27.9	ACRES IRRIGATION
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NW ¼ NW ¼ 35.5 ACRES IRRIGATION  
SE ¼ NW ¼ 16.4 ACRES IRRIGATION  
SECTION 19  
TOWNSHIP 27 SOUTH, RANGE 10 EAST, W.M.

10. For the required Pre-1909 elements, the Department finds that the landowner began intentionally benefitting from the natural overflow of water prior to 1900.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **2**  
Pre-1909 claim

**Current Claimant(s) of Record:**

James Schelhaas  
Schelhaas, Helen  
Rt 2 Box 92  
Omak WA 98841

**Original Claimant(s):**

James Schelhaas  
Schelhaas, Helen

The general location of the claimed use is Township 27 South, Ranges 9 and 10 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 24, 1990.
3. The claim is for a total of 2.0 cubic feet per second from natural overflow from Jack Creek, tributary to Williamson River, for irrigation of 218.4 acres.
4. The claimed period of use is March 1 through September 30.
5. The claimed priority date is "prior to 1909."

**FINDINGS OF FACT**

6. The best information available indicates that no intent to utilize the natural overflow existed prior to 1955. Water was not used prior to February 24, 1909.
7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **6**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Brent Owen  
PO Box 160  
Redding CA 96099

**Original Claimant(s):**

Brent Owen

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of “all uninterrupted [sic] natural water” from springs and an unnamed creek, tributaries to Williamson River, for “wild life and habitat and preservation of natural state.”
4. The claimant did not provide a claimed period of use.
5. The claimed priority date is “prior to 1909.”

**FINDINGS OF FACT**

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.
7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **7**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Redding Foundation  
PO Box 160  
Redding CA 96099

**Original Claimant(s):**

Redding Foundation

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of “all uninterrupted [sic] natural water” from springs and an unnamed creek, tributaries to Williamson River, for “wild life and habitat and preservation of natural state.”
4. The claimant did not provide a claimed period of use.
5. The claimed priority date is “prior to 1909.”

**FINDINGS OF FACT**

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.
7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **23**  
Pre-1909 claim

**Current Claimant(s) of Record:**

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

**Original Claimant(s):**

Brattain Ranch Inc.

The general location of the claimed use is Township 31 South, Ranges 13 and 14 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 26, 1990.
3. The claim is for a total of 77.47 cubic feet per second from four points of diversion located on Pole Creek, tributary to Dry Creek, Long Creek and Coyote Creek, tributaries to Sycan River, and Sycan River tributary to Sprague River, for irrigation of 3098.2 acres.
4. The claimed period of use is “approx. March thru October.”
5. The claimed priority date is February 25, 1901.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **35**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Ronald N Graves, Attorney in Fact  
J R Simplot Self-Declaration of  
Revocable Trust  
PO Box 27  
Boise ID 83707

**Original Claimant(s):**

Metropolitan Live Insurance Company dba  
ZX Land & Cattle Company

The general location of the claimed use is Section 21, Township 32 South, Range 14 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 8.42 cubic feet per second from Sycan River, tributary to Sprague River, for irrigation of 187.3 acres, domestic use, and livestock.
4. The claimed period of use is March 1 - October 31 for irrigation and March 1 through November 30 for livestock. The claim did not specify a period of use for domestic use.
5. The claimed priority date is October 8, 1879.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the irrigation and livestock uses as claimed. The field inspection report makes no mention of domestic uses, including irrigation. The field inspection also found no use from ZX Creek, which was described as a source by the claimant in correspondence made after the claim was filed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATIONS:

SW ¼ NE ¼, Section 21, Township 32 South, Range 14 East, W.M.

SW ¼ SE ¼, Section 21, Township 32 South, Range 14 East, W.M.

SOURCE: Sycan River, tributary to Sprague River

USE: irrigation of 187.3 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.68 cubic feet per second for irrigation, and 79,200 gallons per day for livestock, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31 for irrigation; March 1 through November 30 for livestock

PRIORITY DATE: October 8, 1879

PLACE OF USE:

NW ¼ NE ¼	33.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	9.1	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	36.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	36.7	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	36.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	18.1	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 21

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

10. For the required Pre-1909 elements, the Department finds that water for the claimed use was first applied in 1879.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **36**  
Pre-1909 claim

**Current Claimant(s) of Record:**

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

**Original Claimant(s):**

The Nature Conservancy

The general location of the claimed use is Townships 31, 32, and 33 South, Range 13 East, W.M., and Townships 31 and 32 South, Range 14 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 592.44 cubic feet per second, being 592.03 cubic feet per second for irrigation of 8255.0 acres and 0.41 cubic feet per second for livestock of 6830 head, from five points of diversion located on Pole Creek, tributary to Dry Creek, Dry Creek, Coyote Creek, and Long Creek, tributaries to Sycan River, and Sycan River, tributary to Sprague River.
4. The claimed period of use is March 1 - October 31 for irrigation, and March 1 - November 30 for livestock.
5. The claimed priority date is October 8, 1879.

6. The claimant later submitted a “corrected claim,” which modified their claim in the following respects:
  - ❖ The number of points of diversion was increased to 44.
  - ❖ The number of sources was increased to 18.
  - ❖ The number of acres of irrigation was increased to 21,329.4.
  - ❖ The number of head of livestock was increased to 15,000 (7500 cow/calf pairs).
  - ❖ The rate of water claimed for livestock was increased to 20 gallons per day per cow/calf pair, plus 150 cubic feet per second for ditch losses.
  - ❖ The amount of water claimed for irrigation was changed to 72,817.52 acre-feet per year.
  - ❖ With respect to the priority date, the claimant’s corrected claim stated: “We...are claiming the same October 14, 1864 priority date...to irrigate the whole Marsh.... If an October 14, 1864 priority date is not recognized for irrigating the whole Marsh, ... we are claiming an October 8, 1879 priority date for irrigation and stock watering on the whole Marsh....”

**FINDINGS OF FACT**

7. The Department performed a field inspection which found the use as claimed.
8. The delivery system has the capacity to deliver the claimed amount.
9. OAR 690-28-025(2) states “One registration statement or statement and proof of claim may include multiple uses with one common date of priority.... Separate statements shall be registered for ... different priority dates.” The claimed October 14, 1864 priority date is based upon the inclusion of lands in the former Klamath Indian Reservation. The claimed place of use (“the entire Marsh”) includes areas outside the former Klamath Indian Reservation. Therefore, a priority date of October 14, 1864 is not recognized for the entire Marsh, and the Adjudicator recognizes the claimed priority date as October 8, 1879 based on historical use, in accordance with the claim as quoted in item 6 above.
10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

SOURCES AND POINT OF DIVERSION LOCATIONS:

Sycan River, tributary to Sprague River:

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

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

5360 feet east and 3360 feet north of the SW corner  
6000 feet east and 3240 feet north of the SW corner  
3760 feet east and 3200 feet north of the SW corner  
2920 feet east and 4800 feet north of the SW corner  
Section 3, Township 33 South, Range 13 East, W.M.

AL Creek, tributary to Sycan River:

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

Chocktoot Creek, tributary to Sycan River:

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

Shake Creek, tributary to Sycan River:

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

Rock Creek, tributary to Sycan River:

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

Knoll Creek, tributary to Sycan River:

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

Dry Creek, tributary to Sycan River:

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

Long Creek, tributary to Sycan River:

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

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

Coyote Creek, tributary to Sycan River:

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

Pole Creek, tributary to Sycan River:

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

Divide Creek, tributary to Sycan River:

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

ZX Creek, tributary to Sycan River:

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

Unnamed Creeks:

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

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

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

USE: irrigation of 21,329.4 acres and livestock watering for 15,000 head

AMOUNT ACTUALLY BENEFICIALLY USED: 533.24 cubic feet per second for irrigation, and 150,000 gallons per day for livestock, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation, and January 1 - December 31 for livestock use

PRIORITY DATE: October 8, 1879

PLACE OF USE, EAST SIDE OF MARSH:

T	R	S	1/4 1/4	Acres	SOURCE																
					Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
32	14	3	NW NW	37.6	37.6	37.6	37.6	37.6							37.6	37.6					
			SW NW	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NW	36.5	36.5	36.5	36.5	36.5								36.5	36.5				
			SE NW	28.1	28.1	28.1	28.1	28.1								28.1	28.1				
			NW SW	37.7	37.7	37.7	37.7	37.7								37.7	37.7				
			SW SW	40.0	40.0	40.0	40.0	40.0													
			NE SW	24.9	24.9	24.9	24.9	24.9													
			SE SW	22.1	22.1	22.1	22.1	22.1													
			NW NE	4.2	4.2	4.2	4.2	4.2													
			SW NE	1.1	1.1	1.1	1.1	1.1													
32	14	4	NW NE	38.6	38.6	38.6	38.6	38.6							38.6	38.6					
			SW NE	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NE	37.3	37.3	37.3	37.3	37.3								37.3	37.3				
			SE NE	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NW NW	38.0	38.0	38.0	38.0	38.0								38.0	38.0				
			SW NW	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NE NW	38.3	38.3	38.3	38.3	38.3								38.3	38.3				
			SE NW	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SW	37.1	37.1	37.1	37.1	37.1								37.1	37.1				
			SW SW	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NE SW	37.1	37.1	37.1	37.1	37.1								37.1	37.1				
			SE SW	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
			NW SE	37.1	37.1	37.1	37.1	37.1								37.1	37.1				
			SW SE	40.0	40.0	40.0	40.0	40.0								40.0	40.0				
NE SE	37.1	37.1	37.1	37.1	37.1								37.1	37.1							
SE SE	40.0	40.0	40.0	40.0	40.0								40.0	40.0							
32	14	5	NE NE	34.9	34.9	34.9	34.9	34.9							34.9	34.9					
			NW NE	38.0	38.0	38.0	38.0	38.0							38.0	38.0					
			SW NE	34.7	34.7	34.7	34.7	34.7							34.7	34.7					
			SE NE	39.8	39.8	39.8	39.8	39.8							39.8	39.8					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					NW NW	38.2	38.2	38.2	38.2	38.2						38.2	38.2				
					SW NW	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NE NW	38.1	38.1	38.1	38.1	38.1						38.1	38.1				
					SE NW	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NE SW	37.2	37.2	37.2	37.2	37.2						37.2	37.2				
					NW SW	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					SE SW	38.0	38.0	38.0	38.0	38.0						38.0	38.0				
					SW SW	37.7	37.7	37.7	37.7	37.7						37.7	37.7				
					NW SE	36.2	36.2	36.2	36.2	36.2						36.2	36.2				
					NE SE	37.1	37.1	37.1	37.1	37.1						37.1	37.1				
					SW SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					SE SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
32	14	6			NW NW	18.0										18.0	18.0				
					SW NW	40.1										40.1	40.1				
					NE NW	39.3										39.3	39.3				
					SE NW	40.0	40.0	40.0	40.0							40.0	40.0				
					NW SW	39.8										39.8	39.8				
					SW SW	39.5										39.5	39.5				
					NE SW	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					SE SW	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NW NE	38.8	38.8	38.8	38.8	38.8						38.8	38.8				
					SW NE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NE NE	38.4	38.4	38.4	38.4	38.4						38.4	38.4				
					SE NE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NW SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					SW SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					NE SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
					SE SE	40.0	40.0	40.0	40.0	40.0						40.0	40.0				
32	14	7			NE NE	39.0	39.0	39.0	39.0							39.0	39.0				
					NW NE	40.0	40.0	40.0	40.0							40.0	40.0				
					SW NE	39.9	39.9	39.9	39.9							39.9	39.9				
					SE NE	34.8	34.8	34.8	34.8							34.8	34.8				
					NW NW	38.7										38.7	38.7				



SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
					NE SW	40.0	40.0	40.0	40.0							40.0	40.0					
					SE SW	38.8	38.8	38.8	38.8													
					NW NE	40.0	40.0	40.0	40.0							40.0	40.0					
					SW NE	40.0	40.0	40.0	40.0							40.0	40.0					
					NE NE	40.0	40.0	40.0	40.0													
					SE NE	40.0	40.0	40.0	40.0													
					NW SE	40.0	40.0	40.0	40.0													
					SW SE	37.9	37.9	37.9	37.9													
					NE SE	28.4	28.4	28.4	28.4													
					SE SE	7.3	7.3	7.3	7.3													
32	14	10			NW NW	27.8	27.8	27.8	27.8													
					SW NW	4.2	4.2	4.2	4.2													
					NE NW	0.7	0.7	0.7	0.7													
32	14	16			NW NW	38.8	38.8	38.8	38.8													
					SW NW	40.0	40.0	40.0														
					NE NW	38.8	38.8	38.8	38.8													
					SE NW	40.0	40.0	40.0														
					NW SW	40.0	40.0	40.0														
					SW SW	40.0	40.0	40.0														
					NE SW	40.0	40.0	40.0														
					SE SW	40.0	40.0	40.0														
					NW NE	40.0	40.0	40.0	40.0													
					SW NE	40.0	40.0	40.0														
					NW SE	40.0	40.0	40.0														
					SW SE	40.0	40.0	40.0														
					NE SE	7.2	7.2	7.2														
					SE SE	6.7	6.7	6.7														
					NE NE	7.2	7.2	7.2	7.2													
					SE NE	9.1	9.1	9.1														
32	14	17			NW NW	38.8	38.8	38.8	38.8													
					SW NW	40.0	40.0	40.0														
					NE NW	38.8	38.8	38.8	38.8													
					SE NW	40.0	40.0	40.0														

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					NW SW	40.0	40.0	40.0													
					SW SW	40.0	40.0														
					NE SW	40.0	40.0	40.0													
					SE SW	40.0	40.0														
					NW NE	38.8	38.8	38.8	38.8												
					SW NE	40.0	40.0	40.0													
					NE NE	38.8	38.8	38.8	38.8												
					SE NE	40.0	40.0	40.0													
					NW SE	40.0	40.0	40.0													
					SW SE	40.0	40.0	40.0													
					NE SE	40.0	40.0	40.0													
					SE SE	40.0	40.0	40.0													
32	14	18	NW	NW	34.4	34.4	34.4	34.4								34.4	34.4				
					SW NW	34.1	34.1	34.1								34.1					
					NE NW	37.3	37.3	37.3	37.3							37.3	37.3				
					SE NW	40.0	40.0	40.0								40.0	40.0				
					NW NE	38.8	38.8	38.8	38.8												
					NE NE	38.8	38.8	38.8	38.8												
					SW NE	40.0	40.0	40.0								40.0					
					SE NE	40.0	40.0	40.0													
					NW SW	36.9	36.9	36.9								36.9					
					NE SW	40.0	40.0	40.0								40.0					
					SW SW	36.7	36.7	36.7								36.7					
					SE SW	40.0	40.0	40.0								40.0					
					NW SE	40.0	40.0	40.0								40.0					
					NE SE	40.0	40.0														
					SW SE	40.0	40.0	40.0								40.0					
					SE SE	40.0	40.0														
32	14	19	NW	NW	37.1	37.1	37.1									37.1					
					SW NW	36.9	36.9	36.9								36.9					
					NE NW	40.0	40.0	40.0								40.0					
					SE NW	40.0	40.0	40.0								40.0					
					NW SW	36.8	36.8	36.8								36.8					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					SW SW	36.6	36.6	36.6								36.6					
					NE SW	40.0	40.0	40.0								40.0					
					SE SW	39.4	39.4			39.4	39.4										
					NW NE	40.0	40.0	40.0								40.0					
					SW NE	40.0	40.0	40.0								40.0					
					NE NE	40.0	40.0	40.0								40.0					
					SE NE	39.9	39.9			39.9	39.9										
					NW SE	39.3	39.3			39.3	39.3										
					NE SE	38.2	38.2			38.2	38.2										
					SW SE	38.2	38.2			38.2	38.2	38.2									
					SE SE	40.0	40.0			40.0	40.0										
32	14	20			NW NW	39.5	39.5			39.5	39.5	39.5									
					SW NW	38.1	38.1			38.1	38.1										
					NE NW	37.6	37.6			37.6	37.6										
					SE NW	40.0	40.0			40.0	40.0										
					NW NE	38.2	38.2			38.2	38.2										
					SW NE	40.0	40.0			40.0	40.0										
					NE NE	37.5	37.5			37.5	37.5										
					SE NE	40.0	40.0			40.0	40.0										
					NW SW	40.0	40.0			40.0	40.0										
					NE SW	40.0	40.0			40.0	40.0										
					SW SW	19.2	19.2			19.2	19.2										
					SE SW	17.7	17.7			17.7	17.7										
					NW SE	40.0	40.0			40.0	40.0										
					NE SE	40.0	40.0			40.0	40.0										
					SW SE	23.8	23.8			23.8	23.8										
					SE SE	16.8	16.8			16.8	16.8										
32	14	30			NW NW	34.6	34.6			34.6	34.6	34.6									
					SW NW	37.8	37.8			37.8	37.8	37.8									
					NE NW	38.1	38.1			38.1	38.1	38.1									
					SE NW	27.1	27.1			27.1	27.1	27.1									
					NW NE	39.9	39.9			39.9	39.9	39.9									
					NE NE	30.9	30.9			30.9	30.9	30.9									

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
						SW NE	5.1	5.1		5.1	5.1	5.1										
						SW SW	1.7	1.7		1.7	1.7	1.7										
						NW SW	29.9	29.9		29.9	29.9	29.9										
						NE SW	0.1	0.1		0.1	0.1	0.1										
31	14	19	SW	SW	27.3	27.3	27.3	27.3								27.3	27.3	27.3	27.3			
						SW SE	35.9	35.9	35.9	35.9						35.9	35.9	35.9				
						SE SE	9.0	9.0	9.0	9.0						9.0	9.0	9.0				
31	14	27	SW	NW	11.1	11.1	11.1	11.1								11.1	11.1					
						NW SW	36.0	36.0	36.0	36.0						36.0	36.0					
						SW SW	40.0	40.0	40.0	40.0						40.0	40.0					
						SE SW	16.3	16.3	16.3	16.3						16.3	16.3					
31	14	28	NE	NW	25.0	25.0	25.0	25.0								25.0	25.0					
						NW NE	14.1	14.1	14.1	14.1						14.1	14.1					
						SW NE	39.7	39.7	39.7	39.7						39.7	39.7					
						SE NE	31.8	31.8	31.8	31.8						31.8	31.8					
						NW NW	37.1	37.1	37.1	37.1						37.1	37.1					
						SW NW	40.0	40.0	40.0	40.0						40.0	40.0					
						SE NW	40.0	40.0	40.0	40.0						40.0	40.0					
						NE SW	40.0	40.0	40.0	40.0						40.0	40.0					
						NW SW	40.0	40.0	40.0	40.0						40.0	40.0					
						SW SW	40.0	40.0	40.0	40.0						40.0	40.0					
						SE SW	40.0	40.0	40.0	40.0						40.0	40.0					
						NE SE	40.0	40.0	40.0	40.0						40.0	40.0					
						NW SE	40.0	40.0	40.0	40.0						40.0	40.0					
						SW SE	40.0	40.0	40.0	40.0						40.0	40.0					
						SE SE	40.0	40.0	40.0	40.0						40.0	40.0					
31	14	29	NW	SE	40.0	40.0	40.0	40.0								40.0	40.0					
						SW SE	40.0	40.0	40.0	40.0						40.0	40.0					
						NE SE	40.0	40.0	40.0	40.0						40.0	40.0					
						SE SE	40.0	40.0	40.0	40.0						40.0	40.0					
						NW SW	40.0	40.0	40.0	40.0						40.0	40.0					
						SW SW	40.0	40.0	40.0	40.0						40.0	40.0					
						NE SW	40.0	40.0	40.0	40.0						40.0	40.0					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
																40.0	40.0				
																35.7	35.7	35.7			
																35.2	35.2	35.2			
																40.0	40.0	40.0			
																40.0	40.0	40.0			
																40.0	40.0	40.0			
																35.9	35.9	35.9			
																33.1	33.1	33.1			
																40.0	40.0				
																40.0	40.0				
31	14	30														38.7	38.7	38.7	38.7		
																17.5	17.5	17.5	17.5		
																37.9	37.9	37.9	37.9		
																40.0	40.0	40.0	40.0		
																41.5	41.5	41.5	41.5		
																10.6	10.6	10.6	10.6		
																39.8	39.8	39.8	39.8		
																38.0	38.0	38.0	38.0		
																16.5	16.5	16.5	16.5		
																44.4	44.4	44.4	44.4		
																40.0	40.0	40.0	40.0		
																40.0	40.0	40.0	40.0		
																40.0	40.0	40.0	40.0		
																40.0	40.0	40.0	40.0		
31	14	31														40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				
																40.0	40.0				



SOURCE																						
T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
					NE NW	40.0	40.0	40.0	40.0							40.0	40.0					
					NW NW	40.0	40.0	40.0	40.0							40.0	40.0					
					SW NW	40.0	40.0	40.0	40.0							40.0	40.0					
					SE NW	40.0	40.0	40.0	40.0							40.0	40.0					
					NE SE	40.0	40.0	40.0	40.0							40.0	40.0					
					SE SE	40.0	40.0	40.0	40.0							40.0	40.0					
31	14	34			NW NE	6.3	6.3	6.3	6.3							6.3	6.3					
					SW NE	24.4	24.4	24.4	24.4							24.4	24.4					
					SE NE	18.0															18.0	
					NE NW	39.1	39.1	39.1	39.1							39.1	39.1					
					NW NW	40.0	40.0	40.0	40.0							40.0	40.0					
					SW NW	40.0	40.0	40.0	40.0							40.0	40.0					
					SE NW	40.0	40.0	40.0	40.0							40.0	40.0					
					NE SW	40.0	40.0	40.0	40.0							40.0	40.0					
					NW SW	40.0	40.0	40.0	40.0							40.0	40.0					
					SW SW	40.0	40.0	40.0	40.0							40.0	40.0					
					SE SW	40.0	40.0	40.0	40.0							40.0	40.0					
					NE SE	26.8															26.8	
					NW SE	39.8	39.8	39.8	39.8							39.8	39.8					
					SW SE	20.5	20.5	20.5	20.5							20.5	20.5					
31	14	35			SW NW	1.5															1.5	
					NW SW	1.2																1.2

PLACE OF USE, WEST SIDE OF MARSH:

SOURCE																						
T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
31	13	23			SE SE	24.2															24.2	
					NE SE	2.8																2.8
31	13	24			NE SW	9.9										9.9	9.9	9.9				
					SE SW	39.0										39.0	39.0	39.0				

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
					NW SW	12.1																12.1
					SW SW	40.0																40.0
					NW SE	35.3										35.3	35.3	35.3	35.3			
					SW SE	34.1										34.1	34.1	34.1	34.1			
					NE SE	32.2										32.2	32.2	32.2	32.2			
					SE SE	34.9										34.9	34.9	34.9	34.9			
31	13	25	NW	NW	40.0											40.0	40.0	40.0				
					SW NW	40.0										40.0	40.0	40.0				
					NE NW	40.0										40.0	40.0	40.0				
					SE NW	40.0										40.0	40.0	40.0				
					NW SW	40.0										40.0	40.0					
					SW SW	37.1										37.1	37.1					
					NE SW	40.0										40.0	40.0	40.0				
					SE SW	37.1										37.1	37.1	37.1				
					NW NE	34.6										34.6	34.6	34.6				
					SW NE	32.4										32.4	32.4	32.4				
					NE NE	29.7										29.7	29.7	29.7	29.7			
					SE NE	2.3										2.3	2.3	2.3				
					NE SE	22.9										22.9	22.9	22.9				
					NW SE	34.4										34.4	34.4	34.4				
					SW SE	33.2										33.2	33.2	33.2				
					SE SE	35.6										35.6	35.6	35.6				
31	13	26	NW	SE	32.3											32.3	32.3					
					SW SE	40.0										40.0	40.0					
					NE SE	40.0										40.0	40.0					
					SE SE	40.0										40.0	40.0					
					SE SW	40.0											40.0				40.0	
					SW SW	35.0											35.0				35.0	
					NW SW	0.7											0.7					
					NE SW	6.9											6.9					
31	13	27	NW	SE	2.0												2.0					2.0
					SW SE	3.0											3.0					3.0
					NE SE	9.4											9.4					9.4

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
			SE	SE	39.1												39.1				39.1	
31	13	34	SW	NE	23.8											23.8	23.8				23.8	
			SE	NE	40.0											40.0	40.0				40.0	
			NW	NE	5.4												5.4				5.4	
			NE	NE	39.6												39.6				39.6	
31	13	36	NW	NE	32.4											32.4	32.4				32.4	
			SW	NE	38.3											38.3	38.3					
			NE	NE	33.3											33.3	33.3					
			SE	NE	29.4											29.4	29.4					
			NW	NW	37.1											37.1	37.1					
			SW	NW	40.0											40.0	40.0					
			NE	NW	37.1											37.1	37.1					
			SE	NW	40.0											40.0	40.0					
			NW	SW	40.0											40.0	40.0					
			SW	SW	40.0											40.0	40.0					
			NE	SW	40.0											40.0	40.0					
			SE	SW	40.0											40.0	40.0					
			NW	SE	40.0											40.0	40.0					
			SW	SE	40.0											40.0	40.0					
32	13	1	NW	NE	39.8											39.8						
			SW	NE	40.0											40.0						
			NE	NE	32.2											32.2						
			SE	NE	32.3											32.3						
			NW	SE	40.0											40.0						
			SW	SE	40.0											40.0						
			NE	SE	32.2											32.2						
			SE	SE	32.1											32.1						
			NW	SW	40.0											40.0						
			SW	SW	40.0											40.0						
			NE	SW	40.0											40.0						
			SE	SW	40.0											40.0						
32	13	3	NW	SE	13.5											13.5						
32	13	10	NW	SE	18.1	18.1										18.1	18.1					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					SW SE	39.7	39.7								39.7	39.7					
					NE SE	9.2	9.2								9.2	9.2					
					SE SE	40.0	40.0								40.0	40.0					
32	13	11			SE NW	20.5										20.5					
					NE NW	2.9										2.9					
					NE SW	10.5										10.5					
					SW SW	35.5	35.5								35.5	35.5					
					SE SW	19.2									19.2	19.2					
					NW SW	1.2	1.2								1.2	1.2					
					NW NE	40.0										40.0					
					SW NE	40.0										40.0					
					NE NE	40.0										40.0					
					SE NE	40.0										40.0					
					NW SE	29.8										29.8					
					SW SE	40.0										40.0					
					NE SE	40.0										40.0					
					SE SE	40.0										40.0					
32	13	12			NW NW	40.0										40.0					
					SW NW	40.0										40.0					
					NE NW	40.0										40.0					
					SE NW	40.0										40.0					
					NW SW	40.0										40.0					
					SW SW	40.0										40.0					
					NE SW	40.0										40.0					
					SE SW	40.0										40.0					
					NW NE	40.0										40.0					
					SW NE	40.0										40.0					
					NE NE	32.0										32.0					
					SE NE	32.1										32.1					
					NW SE	40.0	40.0									40.0					
					SW SE	40.0	40.0									40.0					
					NE SE	31.9	31.9									31.9					
					SE SE	31.7										31.7					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
32	13	13	NW	NW	40.0											40.0						
			SW	NW	40.0	40.0		40.0								40.0						
			NE	NW	40.0	40.0										40.0						
			SE	NW	40.0	40.0		40.0								40.0						
			NW	SW	40.0	40.0		40.0								40.0						
			SW	SW	40.0	40.0		40.0								40.0						
			NE	SW	40.0	40.0		40.0								40.0						
			SE	SW	40.0	40.0		40.0								40.0						
			NW	NE	40.0	40.0		40.0								40.0						
			SW	NE	40.0	40.0		40.0								40.0						
			NE	NE	31.3	31.3		31.3								31.3						
			SE	NE	31.2	31.2		31.2								31.2						
			NW	SE	40.0	40.0		40.0								40.0						
			SW	SE	40.0	40.0		40.0								40.0						
			NE	SE	32.1	32.1		32.1								32.1						
			SE	SE	32.8	32.8		32.8								32.8						
32	13	14	NW	SE	40.0	40.0		40.0								40.0						
			SW	SE	40.0	40.0		40.0								40.0						
			NE	SE	40.0	40.0		40.0								40.0						
			SE	SE	40.0	40.0		40.0								40.0						
			NW	NW	40.0	40.0									40.0	40.0						
			SW	NW	40.0	40.0									40.0	40.0						
			NE	NW	40.0	40.0									40.0	40.0						
			SE	NW	40.0	40.0									40.0	40.0						
			NW	SW	40.0	40.0									40.0	40.0						
			SW	SW	40.0	40.0									40.0	40.0						
			NE	SW	40.0	40.0									40.0	40.0						
			SE	SW	40.0	40.0									40.0	40.0						
			NW	NE	40.0	40.0										40.0						
			SW	NE	40.0	40.0		40.0								40.0						
			NE	NE	40.0	40.0										40.0						
			SE	NE	40.0	40.0		40.0								40.0						
32	13	15	NW	SE	40.0										40.0							

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
					SW SE	40.0									40.0							
					NE SE	40.0	40.0								40.0	40.0						
					SE SE	40.0	40.0								40.0	40.0						
					NE SW	22.8									22.8							
					SE SW	16.4																
					NW NE	19.3									19.3	19.3						
					SW NE	37.4									37.4							
					NE NE	40.0	40.0								40.0	40.0						
					SE NE	40.0	40.0								40.0	40.0						
					SE NW	14.5									14.5							
					NE NW	0.9									0.9	0.9						
32	13	22			NW NE	37.8									37.8							
					SW NE	38.7	38.7								38.7	38.7						
					NE NE	40.0	40.0								40.0	40.0						
					SE NE	40.0	40.0								40.0	40.0						
					NW SE	40.0	40.0								40.0	40.0						
					SW SE	40.0	40.0								40.0	40.0						
					NE SE	40.0	40.0								40.0	40.0						
					SE SE	40.0	40.0								40.0	40.0						
					NE NW	0.6									0.6							
					SE NW	1.1	1.1								1.1	1.1						
32	13	23			NW NE	40.0	40.0	40.0								40.0						
					SW NE	40.0	40.0	40.0								40.0						
					NE NE	40.0	40.0	40.0								40.0						
					SE NE	40.0	40.0	40.0								40.0						
					NW SE	40.0	40.0	40.0								40.0						
					SW SE	40.0	40.0	40.0								40.0						
					NE SE	40.0	40.0	40.0								40.0						
					SE SE	40.0	40.0	40.0								40.0						
					NW SW	40.0	40.0								40.0	40.0						
					SW SW	40.0	40.0								40.0	40.0						
					NE SW	40.0	40.0								40.0	40.0						
					SE SW	40.0	40.0								40.0	40.0						

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					NW NW	40.0									40.0	40.0					
					SW NW	40.0									40.0	40.0					
					NE NW	40.0									40.0	40.0					
					SE NW	40.0									40.0	40.0					
32	13	24			NW NW	40.0	40.0	40.0								40.0					
					SW NW	40.0	40.0	40.0								40.0					
					NE NW	40.0	40.0	40.0								40.0					
					SE NW	40.0	40.0	40.0								40.0					
					NW SW	40.0	40.0	40.0								40.0					
					SW SW	40.0	40.0	40.0								40.0					
					NE SW	40.0	40.0	40.0								40.0					
					SE SW	40.0	40.0	40.0								40.0					
					NW NE	40.0	40.0	40.0								40.0					
					SW NE	40.0	40.0	40.0								40.0					
					NE NE	33.5	33.5	33.5								33.5					
					SE NE	34.5	34.5	34.5								34.5					
					NW SE	40.0	40.0	40.0								40.0					
					SW SE	40.0	40.0	40.0		40.0	40.0					40.0					
					NE SE	35.5	35.5	35.5								35.5					
					SE SE	36.4	36.4	36.4		36.4	36.4					36.4					
32	13	25			NW NE	40.0															
					NE NE	37.3															
					SE NE	34.7	34.7			34.7	34.7										
					SW NE	39.6															
					NW NW	40.0															
					SW NW	40.0															
					NE NW	40.0															
					SE NW	40.0															
					NW SW	40.0															
					NE SW	39.0	39.0			39.0	39.0										
					SW SW	39.2	39.2			39.2	39.2										
					SE SW	28.5	28.5			28.5	28.5										
					NW SE	30.4	30.4			30.4	30.4										

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7	
			NE	SE	27.9	27.9				27.9	27.9											
			SW	SE	0.8	0.8				0.8	0.8											
			SE	SE	1.6	1.6				1.6	1.6											
32	13	26	NW	NW	40.0	40.0		40.0								40.0						
			NE	NW	40.0	40.0		40.0								40.0						
			SE	NW	40.0	40.0		40.0								40.0						
			NW	SW	40.0	40.0		40.0								40.0						
			SW	SW	40.0	40.0		40.0								40.0						
			NE	SW	40.0	40.0		40.0								40.0						
			SE	SW	40.0	40.0		40.0		40.0	40.0					40.0						
			NW	NE	40.0	40.0		40.0								40.0						
			SW	NE	40.0	40.0		40.0								40.0						
			NE	NE	40.0	40.0		40.0								40.0						
			SE	NE	40.0	40.0		40.0		40.0	40.0					40.0						
			NW	SE	40.0	40.0		40.0		40.0	40.0					40.0						
			SW	SE	40.0	40.0		40.0		40.0	40.0					40.0						
			NE	SE	40.0	40.0		40.0		40.0	40.0					40.0						
			SE	SE	40.0	40.0		40.0		40.0	40.0					40.0						
32	13	27	NW	NE	40.0	40.0		40.0								40.0						
			SW	NE	40.0	40.0		40.0								40.0						
			SE	NW	40.0	40.0		40.0								40.0						
			NE	SW	28.1	28.1		28.1								28.1						
			SE	SW	1.4	1.4		1.4								1.4						
			NE	SE	40.0	40.0		40.0								40.0						
			SE	SE	40.0	40.0		40.0								40.0						
			NW	SE	40.0	40.0		40.0								40.0						
			SW	SE	35.0	35.0		f 35.0								35.0						
			NW	SW	7.0	7.0		7.0								7.0						
32	13	28	NE	NE	4.8	4.8		4.8								4.8						
32	13	33	NE	NE	36.1	36.1		36.1								36.1						
			SE	NE	37.9	37.9		37.9								37.9						
			SE	SE	1.9	1.9		1.9								1.9						
			NE	SE	9.4	9.4		9.4								9.4						

SOURCE

T	R	S	1/4 1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
32	13	34	SW NE	40.0	40.0		40.0								40.0					
			NE NE	40.0	40.0		40.0								40.0					
			SE NE	40.0	40.0		40.0								40.0					
			NE SW	40.0	40.0		40.0								40.0					
			SE SW	40.0	40.0		40.0								40.0					
			NW SE	40.0	40.0		40.0								40.0					
			SW SE	40.0	40.0		40.0								40.0					
			NE SE	40.0	40.0		40.0								40.0					
			SE SE	40.0	40.0		40.0								40.0					
			NW NW	38.4	38.4		38.4								38.4					
			NE NW	38.1	38.1		38.1								38.1					
			SW NW	40.0	40.0		40.0								40.0					
			SE NW	40.0	40.0		40.0								40.0					
			NW NE	40.0	40.0		40.0								40.0					
			NW SW	39.6	39.6		39.6								39.6					
			SW SW	39.8	39.8		39.8								39.8					
32	13	35	NW NW	40.0	40.0		40.0													
			NE NW	40.0	40.0		40.0								40.0					
			SW NW	40.0	40.0		40.0								40.0					
			SE NW	35.4	35.4				35.4	35.4		35.4	35.4	35.4	35.4					
			NE SW	30.2	30.2				30.2	30.2		30.2	30.2	30.2	30.2					
			NW SW	40.0	40.0		40.0								40.0					
			SW SW	39.1	39.1		39.1		39.1	39.1		39.1	39.1	39.1	39.1					
			SE SW	14.2	14.2				14.2	14.2		14.2								
			NE NE	37.2	37.2		27.3		37.2	37.2		9.9			27.3					
			NW NE	39.1	39.1		38.6		39.1	39.1		0.5			38.6					
			SW NE	37.0	37.0				37.0	37.0		33.3			3.7					
			SE NE	22.4	22.4				22.4	22.4		22.4								
32	13	36	NW NW	34.7	34.7				30.4	30.4		30.4			4.3					
			SW NW	4.3	4.3				4.3	4.3		4.3								
			NE NW	4.0	4.0				4.0	4.0										
33	13	2	NW NW	35.1	35.1		35.1						15.4		35.1					
			SW NW	28.3	28.3		28.3						28.3		28.3					

SOURCE

T	R	S	1/4	1/4	Acres	Sycan	AL	Chock- toot	Unn 1-4	Shake	ZX	Unn 5	Rock	Knoll	Dry	Long	Coyote	Pole	Divide	Unn 6	Unn 7
					NE NW	16.3	16.3	16.3						16.3		16.3					
					SE NW	34.6	34.6	34.6						34.6		34.6					
					NW SW	36.4	36.4	36.4						36.4		36.4					
					SW SW	16.9	16.9	16.9						16.9		16.9					
					NE SW	19.1	19.1	19.1						19.1		19.1					
33	13	3			NW NE	41.9	41.9	41.9								41.9					
					SW NE	40.0	40.0	40.0								40.0					
					NE NE	36.7	36.7	36.7								36.7					
					SE NE	35.3	35.3	35.3								35.3					
					NW SE	40.0	40.0	40.0								40.0					
					SW SE	39.1	39.1	39.1								39.1					
					NE SE	36.8	36.8	36.8						27.3		36.8					
					SE SE	37.3	37.3	37.3						19.4		37.3					
					NE NW	39.0	39.0	39.0								39.0					
					SE NW	21.5	21.5	21.5								21.5					
					NW NW	32.7	32.7	32.7								32.7					
					SW NW	1.8	1.8	1.8								1.8					
33	13	10			NW NE	23.8	23.8	23.8								23.8					
					NE NE	9.4	9.4	9.4								9.4					
					SW NE	5.6	5.6	5.6								5.6					

12. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water for a portion of the claimed uses occurred on or before October 8, 1879.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **40**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Ambrose McAuliffe  
Susan McAuliffe  
PO Box 456  
Ft. Klamath OR 97626

**Original Claimant(s):**

Ambrose McAuliffe  
Susan McAuliffe

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

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 20 cubic feet per second from two points of diversion located on Anna Creek (aka Annie Creek), tributary to Wood River, for fish and wildlife use.
4. The claimed period of use is “year around.”
5. The claimed priority date is April, 1898.

**FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **42**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Richard Nicholson  
Roger Nicholson  
PO Box 458  
Fort Klamath OR 97626

**Original Claimant(s):**

Richard Nicholson  
Roger Nicholson

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after February 24, 1909.
  - c. Continuous use of water without having been abandoned for a period of two consecutive years.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 2 cubic feet per second from one point of diversion located on Sevenmile Creek, tributary to Agency Lake, for fish & wildlife.
4. The claimed period of use is year round.
5. The claimed priority date is 1891.

**FINDINGS OF FACT**

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

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **43**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Roger Nicholson  
PO Box 458  
Fort Klamath OR 97626

**Original Claimant(s):**

Roger Nicholson

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after February 24, 1909.
  - c. Continuous use of water without having been abandoned for a period of two consecutive years.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 2 cubic feet per second from two points of diversion located on Annie Creek, tributary to Wood River, for fish & wildlife.
4. The claimed period of use is year round.
5. The claimed priority date is 1891.

**FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script that reads "Richard D. Bailey". The signature is written in black ink and is positioned to the right of the typed name.

Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **44**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Roger Nicholson  
PO Box 458  
Fort Klamath OR 97626

**Original Claimant(s):**

Roger Nicholson

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after February 24, 1909.
  - c. Continuous use of water without having been abandoned for a period of two consecutive years.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 3 cubic feet per second from one point of diversion located on Sevenmile Creek, tributary to Agency Lake, for fish & wildlife.
4. The claimed period of use is year round.
5. The claimed priority date is 1891.

**FINDINGS OF FACT**

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

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **47**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Roger Nicholson Cattle Co  
PO Box 458  
Fort Klamath OR 97626

**Original Claimant(s):**

Roger Nicholson Cattle Co

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after February 24, 1909.
  - c. Continuous use of water without having been abandoned for a period of two consecutive years.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 2 cubic feet per second from two points of diversion located on Annie Creek, tributary to Wood River, for fish and wildlife.
4. The claimed period of use is year round.
5. The claimed priority date is 1891.

**FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Anna (Annie) Creek adjudication.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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 typed name.

Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **52**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Donald R Holm  
Holm, Patricia  
379 Avocado Crest  
La Habra Hts CA 90631

**Original Claimant(s):**

Donald R Holm  
Holm, Patricia

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

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time.

**CLAIM INFORMATION**

2. The claim was filed on November 21, 1990.
3. The claim is for a total of 2.0 cubic feet per second from one point of diversion located on Spring Creek, tributary to Williamson River, for irrigation of 80 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is prior to 1890.

**FINDINGS OF FACT**

6. The Department performed a Final Proof Survey which did not find the use as claimed.
7. The delivery system has the capacity to deliver 0.07 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 4, Township 34 South, Range 7 East, W.M.

SOURCE: Spring Creek, tributary to Williamson River

USE: irrigation of 7.8 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.07 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1889

PLACE OF USE:

SW ¼ NE ¼	5.0	ACRES IRRIGATION
SE ¼ NE ¼	2.8	ACRES IRRIGATION
SECTION 13		
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.		

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to 1890.
  - b. Works were completed within a reasonable time.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **111**  
Pre-1909 claim

**Current Claimant(s) of Record:**

C B Chapline  
Chapline, Jo I  
Box 31  
Sprague River OR 97639

**Original Claimant(s):**

C B Chapline  
Chapline, Jo I

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for an unspecified amount from the Sprague River for irrigation of 13.2 acres and livestock.
4. The claimed period of use is April 1 through June 30.
5. The claimed priority date is February 23, 1909.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **132**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Cameron A Curtiss  
21051 Hwy 140 West  
Klamath Falls OR 97601

**Original Claimant(s):**

Cameron A Curtiss

The general location of the claimed use is Township 37 South, Range 7 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 13.5 cubic feet per second from two points of diversion located on Moss Creek and Denny Creek (Rock Creek), tributary to Upper Klamath Lake, for power generation.
4. The claimed period of use is year round.
5. The claimed priority date is January 25, 1909.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **133**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Cameron A Curtiss  
21051 Hwy 140 West  
Klamath Falls OR 97601

**Original Claimant(s):**

Cameron A Curtiss

The general location of the claimed use is Township 37 South, Range 7 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 39.4 cubic feet per second from four points of diversion located on Moss Creek, Denny Creek (Rock Creek), and Upper Klamath Lake, tributary to Klamath River, for irrigation of 936.6 acres and livestock.
4. The claimed period of use is March through September.
5. The claimed priority date is January 25, 1909.

**FINDINGS OF FACT**

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

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

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

**POINT OF DIVERSION LOCATIONS:**

Moss Creek:    NW ¼ NW ¼, Section 7, Township 37 South, Range 7 East, W.M.

Rock Creek:    NW ¼ SE ¼, Section 9, Township 37 South, Range 7 East, W.M.

Upper Klamath: Lot 7 NE ¼ SE ¼, Section 32, Township 36 South, Range 7 East, W.M.  
Lake

**SOURCE:** Moss Creek, Rock Creek, and Upper Klamath Lake, tributary to Klamath River

**USE:** irrigation of 936.6 acres

**AMOUNT ACTUALLY BENEFICIALLY USED:** not to exceed a total of 23.42 cubic feet per second, measured at the points of diversion, being 1.5 cubic feet per second from Moss Creek, 13.5 cubic feet per second from Rock Creek, and 23.4 cubic feet per second from Upper Klamath Lake

**PERIOD OF USE:** March 1 - October 31

**PRIORITY DATE:** January 25, 1909

**PLACE OF USE:**

LOT 4 SE ¼ SE ¼    6.4    ACRES IRRIGATION AND LIVESTOCK

LOT 7 NE ¼ SE ¼    15.6    ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼            40.0    ACRES IRRIGATION AND LIVESTOCK

NW ¼ SW ¼            34.4    ACRES IRRIGATION AND LIVESTOCK

SW ¼ SW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NE ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ SE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NE ¼	16.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SE ¼ NE ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SE ¼ NW ¼	11.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

NE ¼ SW ¼	0.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ SW ¼	6.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK
LOT 11 SW ¼ SW ¼	15.3	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ SW ¼ 4.3		ACRES IRRIGATION AND LIVESTOCK

SECTION 34

TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

LOT 3 NW ¼ NW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	30.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 3

TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
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NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NE ¼ NE ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5 SE ¼ NE ¼	19.7	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NW ¼ SE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ SE ¼	5.6	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SW ¼ SE ¼	17.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NW ¼ SE ¼	26.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ NE ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 11 NE ¼ NE ¼	32.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ NW ¼	28.4	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼ NW ¼	10.8	ACRES IRRIGATION AND LIVESTOCK
LOT 13 NE ¼ SW ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
LOT 13 NW ¼ SW ¼	1.2	ACRES IRRIGATION AND LIVESTOCK
LOT 14 SW ¼ SW ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 14 SE ¼ SW ¼	38.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 4

TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

NW ¼ SE ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NE ¼	9.8	ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NE ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6 NW ¼ NE ¼	17.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7 SW ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ NW ¼	12.8	ACRES IRRIGATION AND LIVESTOCK
LOT 9 NE ¼ NW ¼	35.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 37 SOUTH, RANGE 7 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 30,000 gallons per day from Rock Creek and Upper Klamath Lake, measured at the point of diversion

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **134**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Glenda J Buchanan  
13851 Algoma Rd.  
Klamath Falls OR 97601

**Original Claimant(s):**

Glenda J Buchanan

The general location of the claimed use is Township 37 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 8, 1990.
3. The claim is for a total of 1.18 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 47.0 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is Spring 1894.

**FINDINGS OF FACT**

6. The Department performed a Final Proof Survey which found the use as claimed.
7. The delivery system has the capacity to deliver 0.81 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 3, NW ¼ SE ¼, Section 13, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 47.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.81 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NE ¼ SE ¼	5.2	ACRES IRRIGATION
LOT 4 SW ¼ SE ¼	9.6	ACRES IRRIGATION
SE ¼ SE ¼	32.2	ACRES IRRIGATION

SECTION 13

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

- 11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **135**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Robert Buchanan  
13490 Algoma Rd.  
Klamath Falls OR 97601

**Original Claimant(s):**

Robert Buchanan

The general location of the claimed use is Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 4, 1990.
3. The claim is for a total of 2 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 78 acres.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is Spring of 1894.

**FINDINGS OF FACT**

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 1.74 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Lot 2 SW ¼ NE ¼, Section 13, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 78.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.74 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: March 17, 1894

PLACE OF USE:

NW ¼ SE ¼    39.0    ACRES IRRIGATION

SW ¼ SE ¼    39.0    ACRES IRRIGATION

SECTION 7

TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **136**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Dorothy Buchanan  
Lewis Hagelstein  
Robert Buchanan  
Glenda Buchanan  
C. Marie Suiter  
Ruth Hagelstein  
13851 Algoma Rd  
Klamath Falls OR 97601

**Original Claimant(s):**

Dorothy Buchanan  
Lewis Hagelstein  
Robert Buchanan  
Glenda Buchanan  
C. Marie Suiter  
Ruth Hagelstein

The general location of the claimed use is Township 37 South, Range 8 East and Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 13, 1990.
3. The claim is for a total of 7.61 cubic feet per second from two points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 305.4 acres and livestock water for 300 head.
4. The claimed period of use is April 1 through November 1 for irrigation and year round

for livestock.

5. The claimed priority date is Spring 1894.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 4.78 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 18, Township 37 South, Range 9 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 227.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 2.68 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 15.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NW <sup>1</sup>/<sub>4</sub> SE <sup>1</sup>/<sub>4</sub> 3.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 13  
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

SW <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub> 20.1 ACRES IRRIGATION AND LIVESTOCK  
SECTION 17  
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

SE <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub> 18.9 ACRES IRRIGATION AND LIVESTOCK  
SW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub> 6.5 ACRES IRRIGATION AND LIVESTOCK  
SE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub> 32.6 ACRES IRRIGATION AND LIVESTOCK  
NE <sup>1</sup>/<sub>4</sub> SW <sup>1</sup>/<sub>4</sub> 36.6 ACRES IRRIGATION AND LIVESTOCK  
SE <sup>1</sup>/<sub>4</sub> SW <sup>1</sup>/<sub>4</sub> 6.0 ACRES IRRIGATION AND LIVESTOCK  
NW <sup>1</sup>/<sub>4</sub> SE <sup>1</sup>/<sub>4</sub> 11.9 ACRES IRRIGATION AND LIVESTOCK  
SW <sup>1</sup>/<sub>4</sub> SE <sup>1</sup>/<sub>4</sub> 17.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SW <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub> 28.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NW <sup>1</sup>/<sub>4</sub> SW <sup>1</sup>/<sub>4</sub> 31.1 ACRES IRRIGATION AND LIVESTOCK  
SECTION 18  
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

POINT OF DIVERSION LOCATION: SW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>, Section 13, Township 37 South,  
Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 78.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.96 cubic feet per second, measured  
at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: June 21, 1894

PLACE OF USE:

SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 19.4 ACRES IRRIGATION AND LIVESTOCK

NE $\frac{1}{4}$ SE $\frac{1}{4}$  18.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  14.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  25.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 13  
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 3600 gallons per day for 300 head of livestock, measured at the points of diversion.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **137**  
Pre-1909 claim

**Current Claimant(s) of Record:**

James Robert Mueller  
16087 Algoma Rd.  
Klamath Falls OR 97601

**Original Claimant(s):**

James Robert Mueller

The general location of the claimed use is Township 37 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 20, 1990.
3. The claim is for a total of 0.71 cubic feet per second from one point of diversion located on unnamed Spring for irrigation of 27.6 acres and domestic use.
4. The claimed period of use is April 1 to November 1.
5. The claimed priority date is Spring 1894.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the irrigation and domestic use as claimed.
7. The field inspection described that water not used domestically overflows and flood

irrigates pasture. The overflow was measured at 35 gallons per minute.

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

Irrigation:

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

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 7, Township 37 South, Range 9 East, W.M.

SOURCE: unnamed Spring, tributary to Upper Klamath Lake

USE: irrigation of 27.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.07 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NW ¼ NE ¼ 2.5 ACRES IRRIGATION  
SW ¼ NE ¼ 25.1 ACRES IRRIGATION  
SECTION 7  
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

USE: domestic

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: June 21, 1894

PLACE OF USE:

NW ¼ NE ¼ DOMESTIC  
SECTION 7  
TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred in 1894.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **138**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Roland Lindsay  
Lindsay Lumber Company  
525 N Barneburg Rd  
Medford OR 97504

**Original Claimant(s):**

Roland Lindsay  
Lindsay Lumber Company

The general location of the claimed use is Township 38 South, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for an unspecified quantity of water from #1 Blake Spring and unnamed spring, tributary to Grizzly Creek, for domestic to include livestock.
4. The claimed period of use is year round
5. The claimed priority date is 1887.

**FINDINGS OF FACT**

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

7. The delivery system for Blake Spring has the capacity to deliver the claimed amount. The livestock have direct access to the unnamed spring.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 14, Township 38 South, Range 3 East, W.M.

SOURCE: Blake Spring, tributary to Grizzly Creek

USE: domestic

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1887

PLACE OF USE:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  DOMESTIC  
SECTION 14  
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

POINT OF DIVERSION LOCATIONS:

Blake Spring: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 14, Township 38 South, Range 3 East, W.M.

Unnamed Spring: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 15, Township 38 South, Range 3 East, W.M.

SOURCE: Blake Spring and unnamed spring, tributary to Grizzly Creek

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 6000 gallons per day from all sources, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1887

PLACE OF USE:

SW ¼ SW ¼ LIVESTOCK  
SECTION 14  
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

SE ¼ SE¼ LIVESTOCK  
SECTION 15  
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred in 1887.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **139**  
Pre-1909 claim

**Current Claimant(s) of Record:**

James Miller  
PO Box 1088  
Ashland OR 97520

**Original Claimant(s):**

James Miller

The general location of the claimed use is Township 38 South, Range 3 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 19, 1990.
3. The claim is for a total of 20 gallons per minute from one point of diversion located on unnamed Spring, tributary to Klamath River, for domestic and livestock.
4. The claimed period of use is year round.
5. The claimed priority date is April 20, 1882.

**FINDINGS OF FACT**

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

7. The delivery system has the capacity to deliver cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 32, Township 38 South, Range 3 East, W.M.

SOURCE: unnamed Spring, tributary to Klamath River

USE: domestic and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second for domestic use and 11,040 gallons per day for livestock, measured at the point of diversion. This is less than the quantity claimed for domestic use.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: April 20, 1882

PLACE OF USE:

SE ¼ SE ¼ DOMESTIC AND LIVESTOCK  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **140**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Lee Bradshaw  
10275 Hwy 140  
Eagle Point OR 97524

**Original Claimant(s):**

Roland Lindsay  
Lindsay Lumber Company

The general location of the claimed use is Township 38 South, Range 4 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 3800 gallons per day from two points of diversion located on Meyers Spring and Kingsbury Spring, tributary to Hoxie Creek, for livestock of 250 head.
4. The claimed period of use is year round.
5. The claimed priority date is 1890.

**FINDINGS OF FACT**

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

7. The livestock drink directly from Meyers Spring and Kingsbury Spring.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

**POINT OF DIVERSION LOCATIONS:**

NW ¼ NW ¼, Section 20, Township 38 South, Range 4 East, W.M.

NE ¼ SW ¼, Section 20, Township 38 South, Range 4 East, W.M.

**SOURCE:** Meyers Spring and Kingsbury Spring, tributary to Hoxie Creek

**USE:** livestock

**AMOUNT ACTUALLY BENEFICIALLY USED:** 3800 gallons per day from all sources, measured at the point of diversion

**PERIOD OF USE:** January 1 - December 31

**PRIORITY DATE:** December 31, 1890

**PLACE OF USE:**

NW ¼ NW ¼                      LIVESTOCK

NE ¼ SW ¼                      LIVESTOCK

SECTION 20

TOWNSHIP 38 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **141**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Nancy Charley  
3497 Edella Ave  
Central Point OR 97502

**Original Claimant(s):**

Nancy Charley

The general location of the claimed use is Township 38 South, Range 5 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 25, 1990.
3. The claim is for a total of 36.3 cubic feet per second from one point of diversion located on an unnamed stream, unnamed springs, and Tunnel Creek and spring, tributary to Spencer Creek, for irrigation of 1448.9 acres.
4. The claimed period of use is June 1 through October 1.
5. The claimed priority date is November 14, 1901.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements, the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **142**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Geary Bros Caledonia Ranch, a co-tenancy  
Harriman Route Box 8  
Klamath Falls OR 97601

**Original Claimant(s):**

Geary Bros Caledonia Ranch, a co-tenancy

The general location of the claimed use is Townships 37 and 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3 acre-feet from two points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 778.6 acres.
4. The claimed period of use is April 15 through January 15.
5. The claimed priority date is 1866.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **143**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Daryl J Kollman  
Marta C Kollman  
1300 Main  
Klamath Falls OR 97601

**Original Claimant(s):**

Estate of Agnes McCornack Oliver

The general location of the claimed use is Township 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 12.6 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for 497.9 acres of irrigation, and 500 head of livestock.
4. The claimed period of use is January 1 through December 31 for both uses.
5. The claimed priority date is 1866.

**FINDINGS OF FACT**

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

For irrigation use: SEASON: March 1 - October 31

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

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

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 14, Township 38 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 497.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 12.5 cubic feet per second, measured at the point of diversion, for irrigation

0.01 cubic feet per second for livestock

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

PRIORITY DATE: December 31, 1866

PLACE OF USE:

SE ¼ NW ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	7.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼	13.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ NW ¼	22.6	ACRES IRRIGATION AND LIVESTOCK

LOT 4 SE ¼ NW ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 NE ¼ SW ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 6 SE ¼ SW ¼ 36.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 14

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK  
 SW ¼ NE ¼ 5.7 ACRES IRRIGATION AND LIVESTOCK  
 NE ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 1 SE ¼ NE ¼ 31.9 ACRES IRRIGATION AND LIVESTOCK  
 LOT 2 NW ¼ SE ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 SW ¼ SE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK  
 LOT 6 SE ¼ NE ¼ 7.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 7 NW ¼ SE ¼ 16.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 8 SE ¼ SE ¼ 31.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NE ¼ NE ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK

SECTION 22

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 1 SW ¼ NW ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK  
 LOT 2 NE ¼ SW ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 7 SW ¼ NE ¼ 9.6 ACRES IRRIGATION AND LIVESTOCK  
 LOT 8 NW ¼ NE ¼ 13.1 ACRES IRRIGATION AND LIVESTOCK  
 LOT 9 NW ¼ NW ¼ 59.3 ACRES IRRIGATION AND LIVESTOCK  
 LOT 10 SE ¼ NW ¼ 39.7 ACRES IRRIGATION AND LIVESTOCK

SECTION 23

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water began in 1866.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **144**  
Pre-1909 claim

**Current Claimant(s) of Record:**

JELD-WEN, Inc.  
PO Box 5079  
Klamath Falls OR 97601-1017

**Original Claimant(s):**

JELD-WEN, Inc.

The general location of the claimed use is Townships 37 and 38 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 15, 1991.
3. The claim is for a total of 77 cubic feet per second from three points of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 5572.6 acres and livestock watering for 4500 head.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is 1866.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION #1 LOCATION: Government Lot 3, NE ¼ NW ¼, Section 32, Township 37 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 1197.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 16.0 cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 31, 1866

PLACE OF USE:

	NE ¼ SE ¼	39.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1		56.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	8.4	ACRES IRRIGATION AND LIVESTOCK
SECTION 31			
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.			

	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	18.2	ACRES IRRIGATION AND LIVESTOCK

	NW ¼ NW ¼	8.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	38.8	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	32.5	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	25.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NW ¼	13.4	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ SW ¼	6.1	ACRES IRRIGATION AND LIVESTOCK
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SECTION 33

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NW ¼	19.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	33.7	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SW ¼	2.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 15	SW ¼ SW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 4

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	35.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	35.6	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	10.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	39.8	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	19.8	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	21.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	37.0	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SE ¼ SW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SW ¼ SE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SE ¼ SE ¼	48.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 5  
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 6

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 12 NE ¼ NE ¼ 2.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 8

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NW ¼ 6.2 ACRES IRRIGATION AND LIVESTOCK

LOT 2 SE ¼ NW ¼ 7.4 ACRES IRRIGATION AND LIVESTOCK

LOT 3 SW ¼ NW ¼ 3.1 ACRES IRRIGATION AND LIVESTOCK

LOT 8 NW ¼ NW ¼ 38.1 ACRES IRRIGATION AND LIVESTOCK

LOT 9 NE ¼ NW ¼ 19.2 ACRES IRRIGATION AND LIVESTOCK

LOT 10 SE ¼ NW ¼ 6.4 ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: SE ¼ SE ¼, Section 29, Township 37 South,  
Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 424.0 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 5.0 cubic  
feet per second, measured at the point of diversion

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

PRIORITY DATE: December 31, 1866

PLACE OF USE:

SE ¼ SE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 29  
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

SE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 5.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NE ¼ NE ¼ 31.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 32  
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

NW ¼ SW ¼ 38.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 32.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 5 SE ¼ SW ¼ 40.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 6 NE ¼ SW ¼ 8.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 7 SW ¼ NW ¼ 27.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NW ¼ NW ¼ 9.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 33  
TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 5.8 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NW ¼ 39.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NE ¼ NE ¼ 1.7 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NE ¼ SE ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK  
LOT 11 NE ¼ SW ¼ 14.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 NW ¼ SE ¼ 25.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SW ¼ NE ¼ 31.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 14 NW ¼ NE ¼ 29.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 4  
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #3 LOCATION: Government Lot 5, SE ¼ NW ¼, Section 7,  
Township 38 South, Range 8 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 3951.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 52.0  
cubic feet per second, measured at the point of diversion

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

for livestock

PRIORITY DATE: December 31, 1866

PLACE OF USE:

	SW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	39.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ NW ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	22.4	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SW ¼	32.9	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NE ¼ SW ¼	32.1	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ NW ¼	10.5	ACRES IRRIGATION AND LIVESTOCK
LOT 14	NW ¼ SE ¼	55.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 7

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 3	NW ¼ SW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ SE ¼	2.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ SE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SE ¼	26.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ SW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ SW ¼	50.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 8

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 6	SE ¼ SW ¼	9.3	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	25.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 3	NE ¼ SW ¼	2.5	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SW ¼	12.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SE ¼ SW ¼	44.4	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SW ¼ SE ¼	14.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	38.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NE ¼ SE ¼	13.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ NE ¼	30.1	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	49.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	34.3	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 17

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SE ¼	9.7	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SE ¼	7.5	ACRES IRRIGATION AND LIVESTOCK

LOT 7 SW ¼ NE ¼ 26.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NE ¼ NW ¼ 5.2 ACRES IRRIGATION AND LIVESTOCK  
SECTION 18  
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NE ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 37.9 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SE ¼ 37.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 6 SE ¼ SE ¼ 46.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NE ¼ SW ¼ 14.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 SE ¼ NW ¼ 30.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 NW ¼ NW ¼ 9.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 20  
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 37.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NE ¼ 37.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 39.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 39.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SW ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 37.5 ACRES IRRIGATION AND LIVESTOCK

NW ¼ SE ¼ 37.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 21  
TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

SW ¼ NE ¼ 37.6 ACRES IRRIGATION AND LIVESTOCK

	NE ¼ NW ¼	32.3	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	18.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	32.9	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	35.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SW ¼ SE ¼	18.5	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SE ¼	24.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ NE ¼	12.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NW ¼ NE ¼	35.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 22

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	38.4	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	37.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	2.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	13.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SE ¼	15.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ SE ¼	14.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	SE ¼ SW ¼	24.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SW ¼ SW ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	31.5	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SE ¼ SW ¼	14.0	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ SE ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	29.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NW ¼ NE ¼	29.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 27

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

	NE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	36.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ SE ¼	2.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ SE ¼	24.8	ACRES IRRIGATION AND LIVESTOCK

LOT 6 NW ¼ SE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 7 SE ¼ NW ¼ 13.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NW ¼ NW ¼ 32.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 28

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

LOT 8 NE ¼ NE ¼ 4.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 29

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 34

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 54,000 gallons per day total from points of diversion #1 and #3, measured at the points of diversion. This is less than the amount claimed.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred in 1866.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **145**  
Pre-1909 claim

**Current Claimant(s) of Record:**

David A Baltazor  
318 Riverside DR.  
Klamath Falls OR 97601

**Original Claimant(s):**

David A Baltazor

The general location of the claimed use is Township 38 South Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 0.10 acre.
4. The claimed period of use is April through October.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4 NW ¼ SE ¼, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12 NE ¼ SW ¼ 0.1      ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **146**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Harry D Boivin  
by Robert D Boivin, his attorney-in-fact  
110 North 6th Street  
Klamath Falls OR 97601

**Original Claimant(s):**

Harry D Boivin  
by Robert D Boivin, his attorney-in-fact

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on Link River, tributary to "Klamath Lake/Klamath River", for irrigation of 0.02 acres.
4. The claimed period of use is April 1 to October 30.
5. The claimed priority date is November 1, 1895.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **147**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Charles M Cline  
2237 California  
Klamath Falls OR 97601

**Original Claimant(s):**

Charles M Cline

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake “West Side irrigation from Link River”, tributary to Lower Klamath Lake, for irrigation of 0.20 acre.
4. The claimed period of use is April 1 to November 1.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12 NE ¼ SW ¼      0.2      ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **148**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Albert J. Conforti  
204 S. Riverside  
Klamath Falls OR 97601-4252

**Original Claimant(s):**

Albert Conforti

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 0.4 cubic feet per second from one point of diversion located on Upper Klamath Lake (Westside Irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.15 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38, Range 9, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12      NE ¼ SW ¼    0.2    ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **149**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Scott C Kellstrom  
622 Conger Ave  
Klamath Falls OR 97601

**Original Claimant(s):**

Claude W Cross

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 0.025 cubic feet per second from one point of diversion located on Link River, tributary to "Upper Klamath Lake - Lake Ewauna," for irrigation of two acres.
4. The claimed period of use is April through October.
5. The claimed priority date is 1880.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Lake Ewauna

USE: irrigation of 0.5 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1880

PLACE OF USE:

LOT 8 SE ¼ NW ¼    0.5    ACRES IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1880.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **150**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Conrad Caillouette  
Tamara Caillouette  
234 Riverside Dr.  
Klamath Falls OR 97601

**Original Claimant(s):**

Gordon Douglas

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 7, 1990.
3. The claim is for a total of 10 gallons per minute from one point of diversion located on Upper Klamath Lake (Westside irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.4 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12 NE ¼ SW ¼ 0.4      ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **151**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Wilford A Dunster  
346 Riverside  
Klamath Falls OR 97601

**Original Claimant(s):**

Wilford A Dunster

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Upper Klamath Lake “Westside Irrigation from Link River”, tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.10 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 South, Range 9 East, W.M. Diversion at Link River Dam through "Westside Canal (Keno Canal)."

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **152**  
Pre-1909 claim

**Current Claimant(s) of Record:**

David C Elliott  
Eloise J Elliot  
200 Macklyn Cove Dr Apt 11  
Brookings OR 97415-9691

**Original Claimant(s):**

David C Elliott  
Eloise J Elliot

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on Link River, tributary to "Klamath Lake/Klamath River", for irrigation of 0.1 acres.
4. The claimed period of use is April 1 - October 30.
5. The claimed priority date is November 1, 1895.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **153**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Michael J Reynolds  
Pamela A Traina  
702 Conger Ave  
Klamath Falls OR 97601

**Original Claimant(s):**

John L Fletcher

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for an unspecified amount of water from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 0.4 acres.
4. The claimed period of use is April 1 - October 30.
5. The claimed priority date is November 1, 1895.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **154**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Alice M Galloway  
324 Riverside Drive  
Klamath Falls OR 97601

**Original Claimant(s):**

Alice M Galloway

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 15, 1990.
3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Upper Klamath Lake “Westside irrigation from Link River”, tributary to Lower Klamath Lake, for irrigation of 0.10 acre.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **155**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Mike Massoud  
Beverly Ghiassi  
3390 Kallin Ave  
Long Beach CA 90808

**Original Claimant(s):**

Mike Massoud  
Beverly Ghiassi

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 22, 1991.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River for irrigation of 0.4 acres.
4. The claimed period of use is April 1 to October 15.
5. The claimed priority date is June 22, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Lake Ewauna

USE: irrigation of 0.4 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 22, 1905

PLACE OF USE:

LOT 8 SE ¼ NW ¼ 0.4 ACRES IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began on June 22, 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script that reads "Richard D. Bailey". The signature is written in black ink 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. **156**  
Pre-1909 claim

**Current Claimant(s) of Record:**

James Dillon  
Debra Dillon  
406 Riverside Dr.  
Klamath Falls OR 97601

**Original Claimant(s):**

Fred L Goeller

The general location of the claimed use is Township 38 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 0.0038 cubic feet per second from one point of diversion located on Upper Klamath Lake (Westside irrigation from Link River), tributary to Lower Klamath River, for irrigation of 0.15 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 32, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation of 0.1 acre. This is a smaller area than what was claimed.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 11 SE ¼ SW ¼ 0.1 ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **157**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Daryl Kollman  
Marta Kollman  
532 Riverside  
Klamath Falls OR 97601

Klamath Crisis Center  
142 Riverside  
Klamath Falls OR 97610

**Original Claimant(s):**

Peter Green

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 0.0175 cubic feet per second from one point of diversion located on Upper Klamath Lake "Westside Irrigation from Link River", tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.7 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

## FINDINGS OF FACT

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12	NE ¼ SW ¼	0.3	ACRE IRRIGATION
LOT 11	SE ¼ SW ¼	0.4	ACRE IRRIGATION
SECTION 32			
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.			

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior

to February 24, 1909.

- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

- 11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is 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. **158**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Steven L Hess  
446 Riverside Dr.  
Klamath Falls OR 97601

**Original Claimant(s):**

Steven L Hess

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on West Side irrigation from Link River, tributary to Lower Klamath Lake and Lower Klamath River, for irrigation of 0.1 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 11      SE ¼ SW ¼    0.1    ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **159**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Jess House  
706 Conger Ave  
Klamath Falls OR 97601

**Original Claimant(s):**

Jess House

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 5, 1990.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River for irrigation of 0.4 acres.
4. The claimed period of use is April 15 to November 1.
5. The claimed priority date is 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, SE ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Lake Ewauna

USE: irrigation of 0.4 acres.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1905

PLACE OF USE:

LOT 8 SE ¼ NW ¼ 0.4 ACRES IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **160**  
Pre-1909 claim

**Current Claimant(s) of Record:**

JELD-WEN Inc.  
3250 Lakeport Blvd  
Klamath Falls OR 97601-0268

**Original Claimant(s):**

JELD-WEN Inc.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 16.62 cubic feet per second from “Upper Klamath Lake and drainage into canal” for irrigation of 37 acres, industrial use, and fire suppression.
4. The claimed period of use is May 1 through October 1 for irrigation, and “12 months of the year” for industrial use and fire suppression.
5. The claimed priority date is 1905.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water occurred in 1905.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **161**  
Pre-1909 claim

**Current Claimant(s) of Record:**

City of Klamath Falls  
PO Box 237  
Klamath Falls OR 97601

**Original Claimant(s):**

City of Klamath Falls

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 17, 1991.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Lower Klamath River, for irrigation of 0.3 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12      NE ¼ SW ¼   0.3    ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **162**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Herbert C LeSueur  
Mary-Louise LeSueur  
572 Conger Ave  
Klamath Falls OR 97601

**Original Claimant(s):**

Herbert C LeSueur  
Mary-Louise LeSueur

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 17, 1991.
3. The claim is for 35 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Lake Ewauna, for irrigation of 1.9 acres.
4. The claimed period of use is April 1 through October 15.
5. The claimed priority date is June 29, 1880, June 22, 1905, and/or July 6, 1953.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began on June 29, 1880.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **163**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Jeanene M Oatman  
430 Riverside Drive  
Klamath Falls OR 97601

**Original Claimant(s):**

Jeanene M Oatman

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 0.0025 cubic feet per second from one point of diversion located on Westside irrigation from Link River, tributary to Lower Klamath Lake and Klamath River, for irrigation of 0.10 acre.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is October 16, 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 , Range 9 , W.M. Diversion at Link River Dam through “Westside Canal (Keno Canal).”

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 11 SE ¼ SW ¼ 0.1      ACRE IRRIGATION  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **164**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.

The general location of the claimed use is 139 Mill Street, Klamath Falls, the NE 1/4 SW 1/4 Section 32, T38S R9E, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 0.01 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 0.4 acres.
4. The claimed period of use is April 1 through October 30.
5. The claimed priority date is December 11, 1891.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. The record does not establish that the claimed application or use of water occurred prior to February 24, 1909.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **165**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Pacificorp doing business as  
Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacificorp doing business as  
Pacific Power and Light Co.

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for 1 cubic foot per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 7.7 acres.
4. The claimed period of use is April 1 - October 30.
5. The claimed priority date is November 1, 1895.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began on November 1, 1895.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **166**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for irrigation of 6.6 acres.
4. The claimed period of use is April 1 through October 30.
5. The claimed priority date is December 11, 1891.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Klamath River

USE: irrigation of 3.1 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.08 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 12	NE ¼ SW ¼	1.7	ACRES IRRIGATION
LOT 11	SE ¼ SW ¼	1.4	ACRES IRRIGATION
SECTION 32			
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.			

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

- 11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **167**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp  
dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 150 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for power.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is November 1, 1895.

**FINDINGS OF FACT**

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

For power use:SEASON: January 1 - December 31

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

POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Lake Ewauna

USE: power

AMOUNT ACTUALLY BENEFICIALLY USED: 150 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: November 1, 1895

PLACE OF USE:

LOT 7 NW ¼ NW ¼            POWER  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **168**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp  
dba Pacific Power and Light Co.

The general location of the claimed use is Township 38 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 205 cubic feet per second from one point of diversion located on Link River, tributary to Klamath River, for power.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is December 11, 1891.

**FINDINGS OF FACT**

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

For power use:SEASON: January 1 - December 31

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

POINT OF DIVERSION LOCATION: Government Lot 4, NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Link River, tributary to Klamath River

USE: power

AMOUNT ACTUALLY BENEFICIALLY USED: 205 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 16, 1905

PLACE OF USE:

LOT 1 NW ¼ SW ¼                  POWER  
SECTION 32  
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

- a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **169**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Terrel Wagstaff  
680 Conger Ave  
Klamath Falls OR 97601

**Original Claimant(s):**

Terrel Wagstaff

The general location of the claimed use is Section 32, Township 38 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 30, 1990.
3. The claim is for 0.08 cubic feet per second from one point of diversion located on “power flume from Link River dam”, tributary to Lake Ewauna, for irrigation of 0.2 acres.
4. The claimed period of use is April 1 - October 15.
5. The claimed priority date is 1895, 1905, and/or 1925.

## **FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water or construction of works for the application of water began in 1895.
  - b. The record does not contain evidence that works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **170**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Lisa Brooks  
Joe Brooks, Jr.  
1839 S Ogden  
Denver, CO 80210

**Original Claimant(s):**

Joseph E Brooks  
Brooks, Frances M

The general location of the claimed use is Township 39 South, Range 3 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 1, 1990.
3. The claim is for a total of 0.22 cubic feet per second from one point of diversion located on a spring, a tributary to Burnt Creek, tributary to Keene Creek, a tributary to Jenny Creek, for irrigation of 8.8 acres.
4. The claimed period of use begins in April and ends before the end of October.
5. The claimed priority date is 1893.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 8, Township 39 South, Range 3 East, W.M.

SOURCE: an unnamed spring, a Burnt Creek

USE: irrigation of 8.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.22 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1893

PLACE OF USE:

SW ¼ SW ¼ 8.8 ACRES IRRIGATION  
SECTION 8  
TOWNSHIP 39 SOUTH, RANGE 3 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred by or during 1893.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **171**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Donald E Rowlett  
16799 Hwy66  
Ashland OR 97520

**Original Claimant(s):**

Donald E Rowlett

The general location of the claimed use is Township 39 & 40 South, Range 4 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 26, 1990.
3. The claim is for a total of 2.65 cubic feet per second from four points of diversion located on Beaver Creek, South Fork Beaver Creek and 2 unnamed streams, tributary to Jenny Creek, for irrigation of 106.1 acres.
4. The claimed period of use is March 15 through November 15.
5. The claimed priority date is 1879.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.

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

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

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

POINT OF DIVERSION LOCATIONS: NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M. and NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M.

SOURCE: Commingled water of Beaver Creek and South Fork Beaver Creek, tributary to Jenny Creek

USE: irrigation of 11.5 acres

PERIOD OF USE: March 15 - November 15

PRIORITY DATE: December 31, 1906

PLACE OF USE:

SW ¼ NW ¼ 11.2 ACRES IRRIGATION  
NW ¼ SW ¼ 0.3 ACRES IRRIGATION  
SECTION 32  
TOWNSHIP 39 SOUTH, RANGE 4 EAST, W.M.

POINTS OF DIVERSION LOCATION: NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M., NE ¼ NE ¼, Section 31, Township 39 South, Range 4 East, W.M., SW ¼ NW ¼, Section 32, Township 39 South, Range 4 East, W.M., and NE ¼ SE ¼, Section 31, Township 39 South, Range 4 East, W.M.

SOURCE: Commingled water of Beaver Creek and South Fork Beaver Creek and 2 unnamed creeks, tributary to Jenny Creek

USE: irrigation of 94.6 acres

PERIOD OF USE: March 15 - November 15

PRIORITY DATE: December 31, 1906

PLACE OF USE:

NW ¼ SW ¼ 8.0 ACRES IRRIGATION  
SW ¼ SW ¼ 28.0 ACRES IRRIGATION  
SE ¼ SW ¼ 8.0 ACRES IRRIGATION

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NW ¼ 0.2 ACRES IRRIGATION  
SE ¼ NW ¼ 4.0 ACRES IRRIGATION  
LOT 2 NW ¼ NE ¼ 4.0 ACRES IRRIGATION  
LOT 3 NE ¼ NW ¼ 38.8 ACRES IRRIGATION  
LOT 4 NW ¼ NW ¼ 3.6 ACRES IRRIGATION

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED: Total combined quantity of water for 106.1 acres of irrigation is 2.65 cubic feet per second, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred in 1906.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **172**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Maxwell P Guiley, Sr  
Guiley, Louise D  
206 Sunrise Avenue  
Medford OR 97504

**Original Claimant(s):**

Maxwell P Guiley, Sr  
Guiley, Louise D

The general location of the claimed use is Section 18, Township 39 South, Range 5 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 18, 1991.
3. The claim is for a total of 0.005 cubic feet per second from Johnson Creek, tributary to Jenny Creek, for livestock watering for 150 head.
4. The claimant did not specify a period of use in the claim.
5. The claimed priority date is “prior to Feb 24, 1909.”

**FINDINGS OF FACT**

6. A private engineer or surveyor performed a field inspection which found the use as claimed.
7. Livestock drink directly from the source; there is no delivery system.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: livestock drink directly from the source within SE ¼ NE ¼, Section 18, Township 39 South, Range 5 East, W.M.

SOURCE: Johnson Creek, tributary to Jenny Creek

USE: livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1800 gallons per day, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: February 1, 1908

PLACE OF USE:

SE ¼ NE ¼  
SECTION 18  
TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred in 1908.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **173**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Richard K Hart  
812 Beach  
Calexico CA 92231

**Original Claimant(s):**

Richard K Hart

The general location of the claimed use is Township 39 South, Range 5 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.
3. The claim is for a total of 1.59 cubic feet per second from two points of diversion located on Cold Creek, tributary to Johnson Creek, and Johnson Creek, tributary to Jenny Creek, for irrigation of 128 acres.
4. The claim did not specify a period of use.
5. The claimed priority date is 1878.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 5, Township 39 South, Range 5 East, W.M.

SOURCE: Johnson Creek, tributary to Jenny Creek

USE: irrigation of 111.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.39 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1878

PLACE OF USE:

SW ¼ NW ¼ 14.4 ACRES IRRIGATION  
 NW ¼ SW ¼ 20.3 ACRES IRRIGATION  
 SW ¼ SW ¼ 24.8 ACRES IRRIGATION

SECTION 8

TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

NW ¼ NW ¼ 35.2 ACRES IRRIGATION  
 SECTION 17

TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

NE ¼ NE ¼ 16.8 ACRES IRRIGATION  
 SECTION 8

TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 8, Township 39 South, Range 5 East, W.M.

SOURCE: Cold Creek, tributary to Johnson Creek

USE: irrigation of 16.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.2 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1878

PLACE OF USE:

SW ¼ NW ¼ 8.1 ACRES IRRIGATION

NW ¼ SW ¼ 8.4 ACRES IRRIGATION

SECTION 8

TOWNSHIP 39 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred in 1878.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is

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

Dated the 4th day of October, 1999.

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. **174**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Kenneth J Anderson  
Jerry D Anderson  
29331 "A" St  
Klamath Falls OR 97601

**Original Claimant(s):**

Merle Anderson

The general location of the claimed use is Section 19, Township 39 South, Range 7 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 29, 1990.
3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 9.6 acres.
4. The claimed period of use is May 15 - October 15.
5. The claimed priority date is June, 1886.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

SOURCE: Spencer Creek, tributary to Klamath River

USE: irrigation of 9.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.25 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1896

PLACE OF USE:

SW ¼ NW ¼      9.6      ACRES IRRIGATION  
SECTION 19  
TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred in 1896.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **175**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Larry Orville James  
Georgia Lynn Siebenlist  
1564 Whitman  
Medford, OR 97501

**Original Claimant(s):**

Winifred Joy James

The general location of the claimed use is Township 39 South, Range 7 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 29, 1990.
3. The claim is for a total of 0.25 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 9.6 acres.
4. The claimed period of use is June 1 to September 30.
5. The claimed priority date is 1896.

## FINDINGS OF FACT

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

SOURCE: Spencer Creek, tributary to Klamath River

USE: irrigation of 9.6 acres

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1886. This is earlier than the claimed priority date.

PLACE OF USE:

SE ¼ NW ¼ 9.6 ACRES IRRIGATION  
SECTION 19  
TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **176**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Harold W Simmers  
5925 Climax St  
Klamath Falls OR 97603

**Original Claimant(s):**

Harold W Simmers

The general location of the claimed use is Township 39 South, Range 7 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 29, 1990.
3. The claim is for a total of 0.125 cubic feet per second from one point of diversion located on Spencer Creek, tributary to Klamath River, for irrigation of 4.0 acres.
4. The claimed period of use is June 1 to September 30.
5. The claimed priority date is 1896.

## FINDINGS OF FACT

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 19, Township 39 South, Range 7 East, W.M.

SOURCE: Spencer Creek, tributary to Klamath River

USE: irrigation of 4.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.1 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1886. This is earlier than the claimed priority date.

PLACE OF USE:

NW ¼ SE ¼ 4.0 ACRES IRRIGATION  
SECTION 19  
TOWNSHIP 39 SOUTH, RANGE 7 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **177**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Ruth A Anderson  
825 Old Midland Rd  
Klamath Falls OR 97603

**Original Claimant(s):**

Ruth A Anderson

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 9, 1991.
3. The claim is for a total of 35 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 195.4 acres, livestock watering for 400 head, and wildlife habitat.
4. The claimed period of use is year round.
5. The claimed priority date is December 1, 1858.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

Wildlife:

SEASON: January 1 - December 31

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

POINT OF DIVERSION #1 LOCATION: Government Lot 2, SE ¼ SW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 31.2 acres, livestock, and wildlife

AMOUNT ACTUALLY BENEFICIALLY USED: 0.78 cubic feet per second for irrigation, 4800 gallons per day for livestock, and 1.0 cubic foot per second for wildlife, measured at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

LOT 7	SW ¼ NW ¼	8.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7	NW ¼ SW ¼	17.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NW ¼ SW ¼	6.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 36

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: Government Lot 4, SW ¼ NW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 164.2 acres, livestock, and wildlife

AMOUNT ACTUALLY BENEFICIALLY USED: 4.11 cubic feet per second for irrigation, 4800 gallons per day for livestock, and 2.0 cubic feet per second for wildlife, measured at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	16.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
	NW ¼ SE ¼	30.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 3	NW ¼ SW ¼	14.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 4	SW ¼ NW ¼	8.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 6	SE ¼ NW ¼	6.1	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7	NE ¼ SW ¼	12.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 9	SE ¼ NE ¼	0.4	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 9	NE ¼ SE ¼	0.3	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	SE ¼ NE ¼	10.2	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	NE ¼ SE ¼	29.9	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 13	SE ¼ NW ¼	10.5	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 14	NE ¼ SW ¼	18.4	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.



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

Claim No. **178**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Gary Hart, President  
Lost River Land & Cattle Co  
2691 Lakeshore Drive  
Klamath Falls, OR 97601

**Original Claimant(s):**

Frank W Borges  
Borges, Hazel L

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 6.66 cubic feet per second for irrigation of 266.4 acres and a total of 0.0035 cubic feet per second (2250 gallons per day) for livestock use from one point of diversion located on Klamath River, tributary to Pacific Ocean.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is June 21, 1906.

## FINDINGS OF FACT

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

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 1, NE ¼ NE ¼, Section 34,  
Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: Livestock use for 150 head of livestock

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: June 21, 1906

PLACE OF USE:

SW ¼ NE ¼	2.6	ACRES IRRIGATION
NW ¼ SE ¼	34.7	ACRES IRRIGATION
LOT 3 SW ¼ SE ¼	36.8	ACRES IRRIGATION
LOT 4 SE ¼ SE ¼	34.9	ACRES IRRIGATION
LOT 5 SW ¼ SE ¼	2.5	ACRES IRRIGATION

SECTION 27

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼	25.0	ACRES IRRIGATION
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LOT 1 NW ¼ NE ¼ 5.5 ACRES IRRIGATION  
 LOT 2 SE ¼ NE ¼ 20.5 ACRES IRRIGATION  
 LOT 3 NE ¼ SE ¼ 1.2 ACRES IRRIGATION  
 LOT 4 SE ¼ SE ¼ 11.2 ACRES IRRIGATION  
 LOT 5 NE ¼ SE ¼ 23.1 ACRES IRRIGATION  
 LOT 6 SE ¼ NE ¼ 11.5 ACRES IRRIGATION  
 LOT 7 SW ¼ NE ¼ 29.9 ACRES IRRIGATION  
 LOT 8 NW ¼ NE ¼ 22.9 ACRES IRRIGATION  
 LOT 12 NW ¼ SE ¼ 3.5 ACRES IRRIGATION

SECTION 34

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 SW ¼ SW ¼ 0.6 ACRES IRRIGATION

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Government Lot 1, NE ¼ NE ¼, Section 34, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: Irrigation of 266.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 6.66 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: June 21, 1906

PLACE OF USE:

SW ¼ NE ¼ 2.6 ACRES IRRIGATION  
 NW ¼ SE ¼ 34.7 ACRES IRRIGATION  
 LOT 3 SW ¼ SE ¼ 36.8 ACRES IRRIGATION  
 LOT 4 SE ¼ SE ¼ 34.9 ACRES IRRIGATION  
 LOT 5 SW ¼ SE ¼ 2.5 ACRES IRRIGATION

SECTION 27

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼ 25.0 ACRES IRRIGATION  
LOT 1 NW ¼ NE ¼ 5.5 ACRES IRRIGATION  
LOT 2 SE ¼ NE ¼ 20.5 ACRES IRRIGATION  
LOT 3 NE ¼ SE ¼ 1.2 ACRES IRRIGATION  
LOT 4 SE ¼ SE ¼ 11.2 ACRES IRRIGATION  
LOT 5 NE ¼ SE ¼ 23.1 ACRES IRRIGATION  
LOT 6 SE ¼ NE ¼ 11.5 ACRES IRRIGATION  
LOT 7 SW ¼ NE ¼ 29.9 ACRES IRRIGATION  
LOT 8 NW ¼ NE ¼ 22.9 ACRES IRRIGATION  
LOT 12 NW ¼ SE ¼ 3.5 ACRES IRRIGATION

SECTION 34

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 1 SW ¼ SW ¼ 0.6 ACRES IRRIGATION

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **179**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Linda A Kenyon  
11765 SW Timberline Ct  
Beaverton OR 97008

**Original Claimant(s):**

Gloria Jeanne Daffara

The general location of the claimed use is Township 39 South, Range 8 East, W.M. Portion of the place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 30, 1990.
3. The claim is for a total of 38.4 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acres.
4. The claimed period of use is April 1 through October 31.
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 0.6 acres. This is a smaller area than what was claimed.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 5 SW¼ 0.6 ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **180**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Brooke Anne Estenson  
13027 Halwin Circle  
Dallas TX 75243

**Original Claimant(s):**

Brooke Anne Estenson

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 3 and 4, Block 1, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 13, 1990.
3. The claim is for a total of 96 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acre.
4. The claimed period of use is April through September.
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 7, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 0.7 acres. This is a smaller area than what was claimed.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 5            0.7    ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **181**  
Pre-1909 claim

**Current Claimant(s) of Record:**

William Boehme  
Mernice Boehme  
PO Box 462  
Keno OR 97627

**Original Claimant(s):**

Gary Frazier  
Frazier, Patricia

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 45-60 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of ½ acre.
4. The claimed period of use is May through October.
5. The claimed priority date is 1878.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 0.2 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1878

PLACE OF USE:

LOT 5 0.2      ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **182**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Lewis E. Furber  
2000 Miller Island Road West  
Klamath Falls, OR 97603

**Original Claimant(s):**

Lewis E. Furber

The general location of the claimed use is Section 35 and 36, Township 39 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 35.0 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 190.5 acres, livestock watering for 400 head, and wildlife.
4. The claimed period of use is April 1 through October 31 for irrigation, winter for pre-crop irrigation, livestock and wildlife year round.
5. The claimed priority date is December 1, 1858.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

Wildlife:

SEASON: January 1 - December 31

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

POINT OF DIVERSION # 1 LOCATION: Government Lot 2, SE ¼ SW ¼, Section 35, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 71.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 1.78 cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

SE ¼ SE ¼	19.9	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10 NE ¼ SE ¼	4.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
SECTION 35		
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.		

SW ¼ SW ¼ 36.3 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

LOT 10 NW ¼ SW ¼ 10.2 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
SECTION 36  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION # 2 LOCATION: SW ¼ NW ¼, Section 35, Township 39  
South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 119.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 2.98  
cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

NW ¼ SE ¼	7.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
SE ¼ SE ¼	14.9	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 2 SE ¼ SW ¼	19.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 2 SW ¼ SW ¼	11.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 3 NW ¼ SW ¼	3.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 7 NE ¼ SW ¼	3.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10 NE ¼ SE ¼	3.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10 SW ¼ SE ¼	35.1	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 14 NE ¼ SW ¼	3.8	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 15 SE ¼ SW ¼	15.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per  
day from both points of diversion, measured at the points of diversion

AMOUNT ACTUALLY BENEFICIALLY USED FOR WILDLIFE: 3.0 cubic feet per  
second from both points of diversion, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:

- a. Based on the claimed priority date, use of water, or construction of works for the application of water began on December 1, 1858.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **183**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Sydney E Vidricksen  
Gmirkin, Russel; Tom (Vasia) Gmirkin  
5818 Maryland Ave  
Klamath Falls OR 97603

**Original Claimant(s):**

Eva M Gmirkin

The general location of the claimed use is Section 35, Township 39 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 34.6 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 180.1 acres, livestock watering for 400 head, and wildlife.
4. The claimed period of use is April 1 through October 31 for irrigation, and all year for livestock and wildlife.
5. The claimed priority date is December 1, 1858.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

Wildlife:

SEASON: January 1 - December 31

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

POINT OF DIVERSION #1 LOCATION: Government Lot 6, SW ¼ NE ¼, Section 26, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 33.2 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.83 cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

SW ¼ NE ¼ 0.8 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 8 NW ¼ NE ¼ 10.0 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 9 SE ¼ NE ¼ 6.0 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 11 NW ¼ NE ¼ 16.4 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: Government Lot 4, SW ¼ NW ¼, Section 35,  
Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 112.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 2.81  
cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

SW ¼ NE ¼ 0.3 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
NE ¼ NW ¼ 40.0 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 4 SW ¼ NW ¼ 13.6 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 5 NW ¼ NW ¼ 17.2 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 6 NW ¼ NW ¼ 3.0 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 11 NW ¼ NE ¼ 9.8 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 12 NW ¼ NW ¼ 10.0 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE  
LOT 13 SE ¼ NW ¼ 18.7 ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINTS OF DIVERSION #1 AND #2 COMMINGLED:

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 34.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED FOR IRRIGATION: 0.86

cubic feet per second, measured at the point of diversion

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

PRIORITY DATE: December 1, 1858

PLACE OF USE:

	SW ¼ NE ¼	22.6	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 10	SE ¼ NE ¼	5.7	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 11	NW ¼ NE ¼	4.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE
LOT 13	SE ¼ NW ¼	2.0	ACRES IRRIGATION, LIVESTOCK, AND WILDLIFE

SECTION 35

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from both points of diversion, measured at the points of diversion

AMOUNT ACTUALLY BENEFICIALLY USED FOR WILDLIFE: 3.0 cubic feet per second from both points of diversion, measured at the points of diversion

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began on December 1, 1858.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **184**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Sharon Pappas  
70 Throckmorton  
Mill Valley OR 94941

**Original Claimant(s):**

Esther Kerns Johnston

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 1 and 2, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 22, 1990.
3. The claim is for a total of 28.8 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 0.3 acres.
4. The claimed period of use is May through October.
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 0.3 acre

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 3 0.3      ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **185**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Keno Irrigation District  
9350 Hwy 66  
Klamath Falls OR 97601

**Original Claimant(s):**

Keno Irrigation District

The general location of the claimed use is Townships 39 and 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 6, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 3 acre-feet from 19 points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 3614.2 acres and incidental livestock use.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is December, 1858.

**FINDINGS OF FACT**

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

Irrigation:

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

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

POINT OF DIVERSION LOCATIONS:

#1 SE ¼ SW ¼, Section 27, Township 39 South, Range 8 East, W.M.  
 #1A SW ¼ SW ¼, Section 27, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 235.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.88 cubic feet per second, or 705.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 6	SE ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SW ¼ SW ¼	15.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
SECTION 27			
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.			

SW ¼ NE ¼ 38.1 ACRES IRRIGATION AND LIVESTOCK

SE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 5 NE ¼ NE ¼ 32.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 5 NW ¼ NE ¼ 5.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

SW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 NE ¼ NW ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 NW ¼ NW ¼ 4.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 NE ¼ NW ¼ 1.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 NW ¼ NW ¼ 35.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 34

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: NE ¼ NW ¼, Section 34, Township 39 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 272.4 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6.81 cubic feet per second, or  
817.2 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ SE ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SE ¼ 39.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼ 22.4 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 37.1 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 36.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 29.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 NE ¼ NW ¼ 18.4 ACRES IRRIGATION AND LIVESTOCK

LOT 11 SE ¼ NW ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK

LOT 15 SW ¼ NE ¼ 10.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 16 SE ¼ NW ¼ 38.8 ACRES IRRIGATION AND LIVESTOCK  
SECTION 34  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #3 LOCATION: NW ¼ NW ¼, Section 2, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 436.6 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 10.92 cubic feet per second,  
or 1309.8 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SW ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SE ¼ SE ¼ 23.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 14 NE ¼ SE ¼ 6.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 14 NW ¼ SE ¼ 36.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 34  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NW ¼ NW ¼ 3.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SW ¼ NW ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 NW ¼ NW ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 SW ¼ NW ¼ 22.9 ACRES IRRIGATION AND LIVESTOCK  
SECTION 2  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 37.7 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NW ¼ 38.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NE ¼ NE ¼ 28.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SE ¼ NE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 NW ¼ NE ¼ 8.7 ACRES IRRIGATION AND LIVESTOCK

LOT 2 SW ¼ NE ¼ 2.4 ACRES IRRIGATION AND LIVESTOCK  
 LOT 3 NE ¼ NE ¼ 4.4 ACRES IRRIGATION AND LIVESTOCK  
 LOT 3 NW ¼ NE ¼ 29.6 ACRES IRRIGATION AND LIVESTOCK  
 LOT 4 SW ¼ NE ¼ 30.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 NE ¼ NE ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 SE ¼ NE ¼ 38.9 ACRES IRRIGATION AND LIVESTOCK

SECTION 3

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #4 LOCATION: SE ¼ NW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 50.0 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.25 cubic feet per second, or 150.0 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SW ¼ NE ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK  
 SE ¼ NW ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK  
 LOT 1 NE ¼ NW ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK  
 LOT 1 NW ¼ NW ¼ 19.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 2 SW ¼ NE ¼ 0.3 ACRES IRRIGATION AND LIVESTOCK  
 LOT 2 SW ¼ NW ¼ 4.6 ACRES IRRIGATION AND LIVESTOCK  
 LOT 2 SE ¼ NW ¼ 19.7 ACRES IRRIGATION AND LIVESTOCK

SECTION 2

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 1 NE ¼ NE ¼ 3.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 3

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #5 LOCATION: NW ¼ SE ¼, Section 2, Township 40 South,

Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 218.2 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.46 cubic feet per second, or 654.6 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 2	SW ¼ NW ¼	5.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	25.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NW ¼ SW ¼	37.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 2

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼	31.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	35.3	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼	36.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	33.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 3

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #6 LOCATION: SW ¼ SE ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 176.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.41 cubic feet per second, or 528.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 4 SW ¼ SW ¼ 0.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 SW ¼ SW ¼ 26.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 2  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SW ¼ 38.2 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 34.8 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SE ¼ 37.7 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SE ¼ 39.2 ACRES IRRIGATION AND LIVESTOCK  
SECTION 3  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #7 LOCATION: SE ¼ SW ¼, Section 2, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 230.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 5.77 cubic feet per second, or  
692.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NW ¼ 26.8 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 1.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 29.1 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 9.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 SE ¼ SW ¼ 9.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 NE ¼ SW ¼ 26.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 SE ¼ NW ¼ 33.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 11 NW ¼ NE ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 11 SW ¼ NE ¼ 8.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 NE ¼ NE ¼ 17.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 10  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6 NW ¼ NW ¼ 1.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 11  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 19 NE ¼ NW ¼ 1.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 NW ¼ NW ¼ 26.7 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 SW ¼ NW ¼ 0.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 15  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #8 LOCATION: SW ¼ NW ¼, Section 15, Township 40  
South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 32.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.82 cubic feet per second, or  
98.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NW ¼ 0.9 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SW ¼ NW ¼ 15.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 18 NE ¼ NW ¼ 3.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 18 NW ¼ NW ¼ 5.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 NW ¼ NW ¼ 5.2 ACRES IRRIGATION AND LIVESTOCK  
SECTION 15  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #9 LOCATION: SW ¼ NW ¼, Section 15, Township 40  
South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 155.7 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.89 cubic feet per second, or 467.1 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NW ¼ 9.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 38.9 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NW ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 37.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 8.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 10

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 1 SW ¼ NW ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK  
SECTION 15

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8 SE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #10 LOCATION: NE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 97.0 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.43 cubic feet per second, or 291.0 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SE ¼ SE ¼ 38.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 9  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8 SE ¼ NE ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 NE ¼ NE ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 NE ¼ NE ¼ 34.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 16  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #11 LOCATION: NE ¼ NW ¼, Section 16, Township 40  
South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 510.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 12.77 cubic feet per second,  
or 1532.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ NE ¼ 38.7 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 38.6 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 34.7 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
SECTION 4  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 38.2 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK

	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	38.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	8.5	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SE ¼	30.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SE ¼	34.1	ACRES IRRIGATION AND LIVESTOCK
LOT 11	NE ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	SW ¼ NE ¼	13.7	ACRES IRRIGATION AND LIVESTOCK
LOT 9	NW ¼ NE ¼	18.1	ACRES IRRIGATION AND LIVESTOCK
LOT 19	NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #12 LOCATION: NE ¼ SW ¼, Section 9, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 51.3 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.28 cubic feet per second, or 153.9 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 1	SW ¼ SE ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ SE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ SW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	2.2	ACRES IRRIGATION AND LIVESTOCK

LOT 8	SE ¼ SW ¼	6.4	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SW ¼ SE ¼	3.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NW ¼ SE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 0.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 NW ¼ NE ¼ 3.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 NE ¼ NW ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 19 NW ¼ NE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #13 LOCATION: NE ¼ NE ¼, Section 8, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 123.7 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.09 cubic feet per second, or  
371.1 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SW ¼ SW ¼ 13.3 ACRES IRRIGATION AND LIVESTOCK  
SECTION 4

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 17 SE ¼ SE ¼ 2.8 ACRES IRRIGATION AND LIVESTOCK  
SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13 NE ¼ NE ¼ 5.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 14 NE ¼ NE ¼ 1.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 8

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼ 18.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 4 SW ¼ NW ¼ 23.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 4 SE ¼ NW ¼ 3.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 5 NW ¼ NW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK

LOT 13 NW ¼ NW ¼ 30.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SW ¼ NW ¼ 3.7 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SE ¼ NW ¼ 14.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #14 LOCATION: NE ¼ NE ¼, Section 8, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 298.4 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 7.46 cubic feet per second, or  
895.2 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SW ¼ NE ¼ 8.1 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 7.2 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 28.5 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NW ¼ 32.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SW ¼ 2.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 14.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 3.7 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 17.8 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SE ¼ 27.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SE ¼ 28.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SW ¼ NW ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SE ¼ NW ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 SW ¼ SW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 4 NE ¼ SW ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 4

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 4.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SE ¼ NE ¼ 3.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SE ¼ NE ¼ 7.0 ACRES IRRIGATION AND LIVESTOCK

LOT 3 NE ¼ SE ¼ 11.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 3 NE ¼ SE ¼ 7.6 ACRES IRRIGATION AND LIVESTOCK  
 LOT 4 SE ¼ SE ¼ 18.0 ACRES IRRIGATION AND LIVESTOCK  
 LOT 15 SE ¼ NE ¼ 1.6 ACRES IRRIGATION AND LIVESTOCK  
 LOT 15 SE ¼ NE ¼ 27.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 16 NE ¼ SE ¼ 21.2 ACRES IRRIGATION AND LIVESTOCK  
 LOT 17 SE ¼ SE ¼ 19.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13 NE ¼ NE ¼ 4.1 ACRES IRRIGATION AND LIVESTOCK  
 SECTION 8

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #15 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 89.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.25 cubic feet per second, or 269.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

SE ¼ SW ¼ 2.6 ACRES IRRIGATION AND LIVESTOCK  
 SW ¼ SE ¼ 0.3 ACRES IRRIGATION AND LIVESTOCK  
 NW ¼ SE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 SE ¼ SW ¼ 3.8 ACRES IRRIGATION AND LIVESTOCK  
 LOT 5 SW ¼ SE ¼ 8.0 ACRES IRRIGATION AND LIVESTOCK

LOT 5 SW ¼ SE ¼ 31.7 ACRES IRRIGATION AND LIVESTOCK  
 LOT 6 NW ¼ SE ¼ 27.9 ACRES IRRIGATION AND LIVESTOCK  
 LOT 7 SW ¼ NE ¼ 13.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 13 NW ¼ NE ¼ 2.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 8  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #16 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 498.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 12.47 cubic feet per second,  
or 1496.7 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 7 NE ¼ SE ¼ 0.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 SE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 SW ¼ SE ¼ 10.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 NE ¼ SE ¼ 2.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SE ¼ SE ¼ 14.7 ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SW ¼ 35.6 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 24.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SE ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 30.7 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 39.0 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NW ¼ 32.8 ACRES IRRIGATION AND LIVESTOCK

SE ¼ NW ¼ 6.6 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SE ¼ 0.3 ACRES IRRIGATION AND LIVESTOCK  
SECTION 4

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NE ¼ 39.4 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NE ¼ NE ¼ 15.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 7 SW ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 7 SW ¼ NE ¼ 8.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 14 NE ¼ NE ¼ 19.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #17 LOCATION: SW ¼ NE ¼, Section 5, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 498.9 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.39 cubic feet per second, or  
46.5 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

LOT 7 SE ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NE ¼ NW ¼ 14.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION #18 LOCATION: NE ¼ NW ¼, Section 5, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 124.8 acres irrigation and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.12 cubic feet per second, or

374.4 acre-feet, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1858

PLACE OF USE:

NE ¼ SW ¼	2.6	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ SW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ SE ¼	14.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SE ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NE ¼ SE ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4 NW ¼ SE ¼	32.4	ACRES IRRIGATION AND LIVESTOCK
LOT 7 NE ¼ SE ¼	31.7	ACRES IRRIGATION AND LIVESTOCK
LOT 7 NW ¼ SE ¼	5.2	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SE ¼	1.7	ACRES IRRIGATION AND LIVESTOCK
LOT 9 SW ¼ SE ¼	12.5	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ SW ¼	4.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12 NE ¼ SE ¼	2.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 4 NW ¼ SW ¼ 11.7 ACRES IRRIGATION AND LIVESTOCK

SECTION 33

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 8 NE ¼ NW ¼ 1.3 ACRES IRRIGATION AND LIVESTOCK

SECTION 5

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- Use of water, or construction of works for the application of water occurred prior in December, 1858.
  - Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is

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

Dated the 4th day of October, 1999.

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. **186**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Oregon Department of Fish and Wildlife  
2501 SW First Ave  
Portland OR 97208

**Original Claimant(s):**

Oregon Department of Fish and Wildlife

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 26 cubic feet per second from eight points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation, incidental stockwater and wildlife habitat.
4. The claimed period of use is April 1 through October 31 for irrigation and year-round for wildlife habitat.
5. The claimed priority date is December 31, 1900.

**FINDINGS OF FACT**

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.
7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **187**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Renold R Passien  
Passien, Elsie E  
8910 Hwy 66  
Klamath Falls OR 97601

**Original Claimant(s):**

Renold R Passien  
Passien, Elsie E

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 28, 1990.
3. The claim is for a total of 0.15 cubic feet per second from one point of diversion located on an unnamed Spring, tributary to Klamath River, for irrigation and domestic use for one house.
4. The claimed period of use is April 1 through October 31 for irrigation.
5. The claimed priority date is 1901.

## FINDINGS OF FACT

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

For domestic:

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

For irrigation use:

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 27, Township 39 South, Range 8 East, W.M.

SOURCE: unnamed Spring, tributary to Klamath River

USE: irrigation of 11.7 acres and domestic use for one house

AMOUNT ACTUALLY BENEFICIALLY USED: 0.14 cubic feet per second for irrigation and 0.01 cubic feet per second for domestic, measured at the point of diversion

PERIOD OF USE: March 1 - October 31 for irrigation and January 1 - December 31 for domestic

PRIORITY DATE: December 31, 1901

PLACE OF USE:

SW ¼ SE ¼ 5.7 ACRES IRRIGATION  
SECTION 22  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NE ¼ 6.0 ACRES IRRIGATION AND DOMESTIC  
SECTION 27  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred during 1901.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **188**  
Pre-1909 claim

**Current Claimant(s) of Record:**

John W Powell  
Barbara J Powell  
PO Box 16  
Keno OR 97627

**Original Claimant(s):**

John W Powell  
Barbara J Powell

The general location of the claimed use is Township 39 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 15, 1990.
3. The claim is for a total of 0.132 cubic feet per second from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.3 acres.
4. The claimed period of use is May 1 through October.
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 0.9 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 5 0.9      ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **189**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Jessie L Puckett  
2815 Taylor  
Eugene OR 97405

**Original Claimant(s):**

Jessie L Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 3 and 4, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 15, 1990.
3. The claim is for a total of 50 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 0.7 acres.
4. The claimed period of use is May 1 through September.
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **190**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Leona Bell Puckett  
PO Box 1974  
Klamath Falls OR 97601

**Original Claimant(s):**

Leona Bell Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lot 5, Block 1; Lot 8, Lot 9 and a portion of Lot 7, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 17, 1990.
3. The claim is for a total of 96 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.6 acres.
4. The claimed period of use is May through October, sometimes in April.
5. The claimed priority date is 1873.

## FINDINGS OF FACT

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 7, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 1.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.04 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 2 1.6      ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **191**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Richard Edward Puckett  
PO Box 1974  
Klamath Falls OR 97601

**Original Claimant(s):**

Richard Edward Puckett

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is described as Lots 5, 6, and a portion of Lot 7, Block 2, Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 17, 1990.
3. The claim is for a total of 72 gallons per minute from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.3 acres.
4. The claimed period of use is May through October .
5. The claimed priority date is 1873.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 0.09 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 2, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 6, Block 2, Riverside Addition.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 1.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1873

PLACE OF USE:

LOT 2 1.3      ACRES IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **192**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Donald Wagner  
Wagner, Betty  
PO Box 34  
Keno OR 97627

**Original Claimant(s):**

Donald Wagner  
Wagner, Betty

The general location of the claimed use is Township 39 South, Range 8 East, W.M. The place of use is located in the Riverside Addition.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 6, 1990.
3. The claim is for a total of 4000 gallons per hour from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 1.0 acre.
4. The claimed period of use is June 1 through September 30.
5. The claimed priority date is October 26, 1872.

**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 2, Section 31, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 1.0 acre

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: June 1 - September 30

PRIORITY DATE: October 26, 1872

PLACE OF USE:

LOT 2 1.0    ACRE IRRIGATION  
SECTION 31  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **193**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Collins Products, LLC  
PO Box 16  
Klamath Falls OR 97601

Allan Moates  
7100 Hwy 97 S  
Klamath Falls OR 97601

Harold & Maria Moates; Trustees  
Pentail Company  
PO Box 117  
Carson City NV 98702

**Original Claimant(s):**

Richard S Baldwin

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on February 1, 1991.

3. The claim is for a total of 3 cubic feet per second from one point of diversion located on “Klamath River and Lost River Sloughs,” tributary to Pacific Ocean, for irrigation of 49.5 acres.
4. The claimant described the period of use as “Depending on weather, Autumn, Winter and Spring floodings, October to March; and for irrigation and drainage, April to October.”
5. The claimed priority date is October 6, 1875.

## **FINDINGS OF FACT**

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

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

It appears that the claimed use occurs year-round due to natural sub-irrigation which occurs in addition to the artificial diversion.

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

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 18, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 49.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.24 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 1

PRIORITY DATE: October 6, 1875

PLACE OF USE:

SE ¼ SE ¼ 2.1 ACRES IRRIGATION  
LOT 11 SE ¼ SE ¼ 10.0 ACRES IRRIGATION  
SECTION 18  
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 0.7 ACRES IRRIGATION  
NW ¼ NE ¼ 0.6 ACRES IRRIGATION  
LOT 1 SE ¼ NE ¼ 5.7 ACRES IRRIGATION  
LOT 2 NE ¼ SE ¼ 4.5 ACRES IRRIGATION  
LOT 6 SE ¼ SE ¼ 13.1 ACRES IRRIGATION  
LOT 7 NE ¼ NE ¼ 10.6 ACRES IRRIGATION  
LOT 8 NW ¼ NE ¼ 2.2 ACRES IRRIGATION  
SECTION 19  
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **194**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Gary Griffith  
Marjorie Divine  
Victor Divine  
857 Griffith Lane  
Klamath Falls OR 97603-9369

**Original Claimant(s):**

David Griffith  
Gary Griffith  
Marjorie Divine  
Victor Divine

David Griffith  
Nora Griffith  
PO Box 7579  
Klamath Falls, OR 97602

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 3.57 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 142.6 acres.
4. The claimed period of use is March through October.

5. The claimed priority date is 1867.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which found the use.
7. The delivery system has the capacity to deliver 1.36 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 17, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 142.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.36 cubic feet per second, measured at the point of diversion. This is less than the claimed amount; based on system capacity.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE:

NE ¼ SE ¼	3.3	ACRES IRRIGATION
SE ¼ SE ¼	6.2	ACRES IRRIGATION
LOT 6 NE ¼ SE ¼	0.2	ACRES IRRIGATION
LOT 7 SE ¼ SE ¼	8.2	ACRES IRRIGATION
LOT 8 SE ¼ SE ¼	21.1	ACRES IRRIGATION
LOT 9 NE ¼ SE ¼	6.1	ACRES IRRIGATION

### SECTION 8

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 1.1 ACRES IRRIGATION  
NW ¼ NE ¼ 3.1 ACRES IRRIGATION  
NE ¼ NW ¼ 0.4 ACRES IRRIGATION  
SE ¼ NW ¼ 6.3 ACRES IRRIGATION  
LOT 2 6.0 ACRES IRRIGATION  
LOT 3 14.2 ACRES IRRIGATION  
LOT 7 12.7 ACRES IRRIGATION  
LOT 8 28.5 ACRES IRRIGATION  
LOT 9 NE ¼ NE ¼ 25.2 ACRES IRRIGATION  
SECTION 17  
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred on May 19, 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **195**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Ted T Martin  
Martin, Velma B  
4443 Austin St.  
Klamath Falls OR 97603

**Original Claimant(s):**

Ted T Martin  
Martin, Velma B

The general location of the claimed use is Section 10, Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 14, 1990.
3. The claim is for a total of 0.04 cubic feet per second from one point of diversion located on Klamath Lake via Klamath Irrigation District, tributary to Klamath River, for irrigation of one and one-third acres.
4. The claimed period of use is April 15 - October 15.
5. The claimed priority date is 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 8, SW ¼ NE ¼, Section 10, Township 38 South, Range 9 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Link River

USE: irrigation of 1.3 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.03 cubic feet per second, measured at the point of diversion

PERIOD OF USE: April 15 - October 15

PRIORITY DATE: November 4, 1905

PLACE OF USE:

SE ¼ SW ¼      1.3      ACRES IRRIGATION  
SECTION 10  
TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred on November 4, 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **196**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Katina Avgeris  
c/o Steve Avgeris  
1700 Colestein Rd  
Ashland OR 97520

**Original Claimant(s):**

Katina Avgeris  
c/o Steve Avgeris

The general location of the claimed use is Township 40 South, Range 1 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 25, 1991.
3. The claim is for a total of 0.86 cubic feet per second from three points of diversion located on Cottonwood Creek and two springs, tributary to Klamath River, for irrigation of 15.8 acres, domestic use and manufacturing.

4. The claimed period of use is April 1 through November 1 for irrigation and January 1 through December 31 for domestic use and manufacturing.
5. The claimed priority date is August 31, 1882.

## **FINDINGS OF FACT**

6. A private engineer or surveyor performed a field inspection which found the use to be a total of 0.09 cubic feet per second from Cottonwood Creek and Spring #2 for irrigation of 7.0 acres and a total of 0.02 cubic feet per second from Spring #1 for domestic use. The manufacturing portion of the original claim is no longer being claimed due to approximately 30 years of non-use.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

**POINT OF DIVERSION LOCATIONS:**

Cottonwood Creek - NW ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.  
Spring #2 - NE ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.

**SOURCE:** Cottonwood Creek and Spring #2, tributary to Klamath River

**USE:** irrigation of 7.0 acres

**AMOUNT ACTUALLY BENEFICIALLY USED:** 0.09 cubic feet per second, measured at the point of diversion

**PERIOD OF USE:** March 1 - October 31

**PRIORITY DATE:** August 31, 1882

PLACE OF USE:

NE ¼ NW ¼ 5.7 ACRES IRRIGATION  
SE ¼ NW ¼ 1.3 ACRES IRRIGATION  
SECTION 36  
TOWNSHIP 40 SOUTH, RANGE 1 EAST, W.M.

POINT OF DIVERSION LOCATION: Spring #1 - NW ¼ NW ¼, Section 36, Township 40 South, Range 1 East, W.M.

SOURCE: Spring #1, tributary to Klamath River

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: August 31, 1882

PLACE OF USE:

NE ¼ NW ¼ DOMESTIC USE  
SECTION 36  
TOWNSHIP 40 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **197**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Benjamin Stott  
155 Strawberry Lane  
Ashland OR 97520

**Original Claimant(s):**

Richard Pope  
Richinli Company Inc.

The general location of the claimed use is Section 31, Township 40 South, Range 2 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 22, 1990.
3. The claim is for a total of 0.66 cubic feet per second from one point of diversion located on Middle Fork Cottonwood Creek, tributary to East Fork Cottonwood Creek, for irrigation of 26.3 acres.
4. The claimed period of use is May through October.
5. The claimed priority date is 1854.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SW ¼ NW ¼, Section 31, Township 40 South, Range 2 East, W.M.

SOURCE: Middle Fork Cottonwood Creek, tributary to East Fork Cottonwood Creek

USE: irrigation of 26.3 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.66 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1854

PLACE OF USE:

SW ¼ NW ¼	5.0	ACRES IRRIGATION
NW ¼ SW ¼	12.8	ACRES IRRIGATION
SW ¼ SW ¼	0.4	ACRES IRRIGATION
LOT 6 SE ¼ NW ¼	1.2	ACRES IRRIGATION
LOT 7 NE ¼ SW ¼	6.1	ACRES IRRIGATION
LOT 8 SE ¼ SW ¼	0.8	ACRES IRRIGATION
SECTION 31		
TOWNSHIP 40 SOUTH, RANGE 2 EAST, W.M.		

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred in 1854.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **198**  
Pre-1909 claim

**Current Claimant(s) of Record:**

John M Mosby  
Mosby, Marilyn  
526 Mercury  
Lompoc CA 93436

**Original Claimant(s):**

John M Mosby  
Mosby, Marilyn

The general location of the claimed use is Township 40 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 7, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 3.98 cubic feet per second from two points of diversion located on Jenny Creek, tributary to Klamath River, for irrigation of 220.0 acres and incidental livestock watering.
4. The claimed period of use is April - October.
5. The claimed priority date is October 27, 1923.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION #1 LOCATION: NE ¼ SW ¼, Section 16, Township 40 South, Range 4 East, W.M.

SOURCE: Jenny Creek, tributary to Klamath River

USE: irrigation of 140.0 acres

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1890

PLACE OF USE:

NE ¼ NW ¼	0.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	10.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 22

TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼	23.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	21.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	27.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	7.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 27

TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NE ¼ SE ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
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SE ¼ SE ¼ 13.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 28  
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

POINT OF DIVERSION #2 LOCATION: SE ¼ SE ¼, Section 16, Township 40 South,  
Range 4 East, W.M.

SOURCE: Jenny Creek, tributary to Klamath River

USE: irrigation of 69.0 acres

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1890

PLACE OF USE:

SE ¼ SE ¼ 1.1 ACRES IRRIGATION AND LIVESTOCK  
SECTION 21  
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 4.1 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 6.8 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 17.7 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 22  
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 12.7 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 10.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 27  
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.98 cubic feet per second, measured  
at the points of diversion

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred in 1890.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **199**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Cecilia Taylor  
Taylor, Richard  
P.O. Box 637  
Ashland OR 97520

**Original Claimant(s):**

Cecilia Taylor  
Taylor, Richard

The general location of the claimed use is Township 40 & 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 11, 1990.
3. The claim is for a total of 7.5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Jenny Creek, for irrigation, stock, and domestic.
4. The claimed period of use is April through October.
5. The claimed priority date is December 20, 1887.

**FINDINGS OF FACT**

6. Claim was amended, to 7.5 cubic feet per second for the irrigation of 171.1 acres, on January 24, 1991. The stock and domestic uses were withdrawn.
6. A private engineer or surveyor performed a field inspection which found the use as claimed. The Department performed a field inspection which did not support the claim.
7. The delivery system has the capacity to deliver the amount of water claimed.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: NW ¼ SE ¼, Section 34, Township 40 South, Range 4 East, W.M.

SOURCE: Spring Creek, tributary to Jenny Creek

USE: irrigation of 143.4 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 3.59 cubic feet per second, measured at the point of diversion. This is less than the quantity of water claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 20, 1887

PLACE OF USE:

NE ¼ SE ¼	7.2	ACRES IRRIGATION
NW ¼ SE ¼	8.2	ACRES IRRIGATION
SW ¼ SE ¼	4.6	ACRES IRRIGATION
SE ¼ SE ¼	23.7	ACRES IRRIGATION

SECTION 33

TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

SW ¼ SW ¼	8.0	ACRES IRRIGATION
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SECTION 34  
TOWNSHIP 40 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NW ¼ 3.1 ACRES IRRIGATION  
SE ¼ NW ¼ 1.1 ACRES IRRIGATION  
LOT 3 NE ¼ NW ¼ 2.5 ACRES IRRIGATION  
LOT 4 NW ¼ NW ¼ 19.1 ACRES IRRIGATION

SECTION 3  
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

SW ¼ NE ¼ 19.0 ACRES IRRIGATION  
SE ¼ NE ¼ 9.7 ACRES IRRIGATION  
LOT 1 NE ¼ NE ¼ 32.2 ACRES IRRIGATION  
LOT 2 NW ¼ NE ¼ 5.0 ACRES IRRIGATION

SECTION 4  
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred on or before December 20, 1887.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **200**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Kathleen D Walt  
Jennifer J Walt  
650 California St., 20th Floor  
San Francisco CA 94108-2693

**Original Claimant(s):**

Jennifer J Walt  
Harold R & Kathleen D Walt

The general location of the claimed use is Section 17, Township 40 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 30, 1991.
3. The claim is for a total of 1.3 cubic feet per second from two points of diversion located on Keene Creek, Jenny Creek, and several unnamed tributaries, tributary to Jenny Creek, for irrigation of 104 acres, domestic use, and livestock.
4. The claimed period of use is April 1 - October 31.
5. The claimed priority date is 1902.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred circa 1900.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **201**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Richard W Berg  
Box 54  
Keno OR 97627

**Original Claimant(s):**

Richard W Berg

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 0.89 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 30.92 acres and livestock.
4. The claimed period of use is April 1 through October 31 for irrigation and year round for livestock use.
5. The claimed priority date is March 30, 1905.

**FINDINGS OF FACT**

6. The Department performed a field inspection relating to water use permit 31991 which found a portion of the irrigation use as claimed.
7. In a letter dated January 10, 1999, the claimant states that he has not had livestock since 1992.
8. The delivery system has the capacity to deliver the claimed amount.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 9, Section 6, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 21.0 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured at the point of diversion. This is less than amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: March 30, 1905

PLACE OF USE:

LOT 9 21.0 ACRES IRRIGATION  
SECTION 6  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

- 12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **202**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Bernard L Simonsen  
Rocking AC Ranch  
11695 Kern Swamp Rd  
Klamath Falls OR 97601

**Original Claimant(s):**

A. L. Bruner

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on December 4, 1990.
3. The claim is for diversions located on Klamath River, tributary to Pacific Ocean, for irrigation of 1,149.8 acres and stock water for 1500 head.
4. The claimed period of use is March 1 through January 15.
5. The claimed priority date is prior to 1905.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Lot 2, SE ¼ NW ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 46.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.16 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SW ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
LOT 1 NW ¼ NW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SW ¼ NW ¼	4.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2 SE ¼ NW ¼	19.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 2

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, Section 2, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 149.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.75 cubic feet per second,  
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ SW ¼	38.2	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼	39.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 3

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 4, SE ¼ SW ¼, Section 2, Township 40  
South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 190.1 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.75 cubic feet per second,  
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SW ¼ SW ¼	26.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 2

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 17 NE ¼ NE ¼	17.8	ACRES IRRIGATION AND LIVESTOCK
LOT 11 NW ¼ NE ¼	38.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11 SW ¼ NE ¼	8.4	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	26.8	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	33.0	ACRES IRRIGATION AND LIVESTOCK

LOT 9 NE ¼ SW ¼	26.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
LOT 8 SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6 NW ¼ NW ¼	1.4	ACRES IRRIGATION AND LIVESTOCK
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SECTION 11

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 1, SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 33.5 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.84 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NW ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NE ¼ NW ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NE ¼ NW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
LOT 18 NW ¼ NW ¼	5.6	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼	5.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK
LOT 18 SW ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 1, SW ¼ NW ¼, Section 15, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 222.8 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 4.3 cubic feet per second,  
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	38.9	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 10 SE ¼ NW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	37.7	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	9.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 19 NE ¼ NW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
LOT 19 NW ¼ NW ¼	26.7	ACRES IRRIGATION AND LIVESTOCK
LOT 19 SW ¼ NW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	16.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 8 SE ¼ NE ¼	1.0	ACRES IRRIGATION AND LIVESTOCK
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SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 7, NE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 97.0 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 2.43 cubic feet per second,  
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

SE ¼ SE ¼ 38.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 9  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NE ¼ NE ¼ 3.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 NE ¼ NE ¼ 34.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 SE ¼ NE ¼ 19.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 SE ¼ NE ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 16  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 16, Township 40 South,  
Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 410.7 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 6.3 cubic feet per second,  
measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1904

PLACE OF USE:

NE ¼ NE ¼ 38.2 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 12 SE ¼ NW ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 11 NE ¼ SW ¼ 3.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NE ¼ SW ¼ 24.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 NW ¼ SW ¼ 2.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 SE ¼ SW ¼ 6.4 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 38.3 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 NW ¼ SE ¼ 3.6 ACRES IRRIGATION AND LIVESTOCK

LOT 10 NW ¼ SE ¼ 34.7 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SW ¼ SE ¼ 4.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 SW ¼ SE ¼ 33.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 9 NW ¼ NE ¼ 21.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 NW ¼ NE ¼ 17.6 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 13.7 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 0.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 10 NE ¼ NW ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 18,000 gallons  
per day for 1500 head.

PERIOD OF USE FOR LIVESTOCK: January 1 - December 31

9. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

10. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.

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. **203**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Barney Calmes  
Daisy Calmes  
c/o William M Ganong  
514 Walnut Avenue  
Klamath Falls OR 97601

**Original Claimant(s):**

Barney Calmes  
Daisy Calmes

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet per acre from two points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 112.0 acres and stock water for 300 head of livestock. No additional water is diverted for livestock use.
4. The claimed period of use is April 1 through November 15 for irrigation and Year-Round for livestock use.
5. The claimed priority date is October 28, 1897.

**FINDINGS OF FACT**

6. The Department performed a field inspection which did support the claim.
7. The claimant stated that the field inspection report prepared by the Department was accurate, and consequently, referred to the Department field inspection report for the description of the irrigation system and detailed listing of lands irrigated under this claim. The field inspection report contained a detailed listing totaling 102.6 acres of irrigation, which is less than the total of 112.0 acres found in the claim form.
8. For point of diversion #1, the delivery system has the capacity to deliver the claimed amount. However, for point of diversion #2, the delivery system has the capacity to deliver 1.63 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre      DUTY: 3.5 af/acre

SEASON:      Irrigation: March 1 - October 31  
                 Livestock: January 1 - December 31

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

POINT OF DIVERSION LOCATION: Point of Diversion #1- Government Lot 13, SE ¼ NW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 30.1 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.75 cubic feet per second, measured at the point of diversion, for irrigation of 30.1 acres and livestock use. This is less than the amount claimed. No additional water is diverted for livestock use.

PERIOD OF USE:      March 1 - October 31 for irrigation of 30.1 acres  
                                 January 1 - December 31 for livestock use

PRIORITY DATE: October 28, 1897

PLACE OF USE:

LOT 12 SW ¼ NW ¼ 1.7 ACRES IRRIGATION AND LIVESTOCK  
SECTION 16  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 3 NE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 SE ¼ NE ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 17  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

PRIORITY DATE: December 31, 1908

PLACE OF USE:

NW ¼ NE ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 8.4 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 2.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 NE ¼ NE ¼ 1.9 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SE ¼ NE ¼ 11.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 17  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Point of Diversion #2- Government Lot 14, NE ¼ SW ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 72.5 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.63 cubic feet per second, measured at the point of diversion, for irrigation of 72.5 acres and livestock use. This is less than the amount claimed. No additional water is diverted for livestock use.

PERIOD OF USE: March 1 - October 31 for irrigation of 72.5 acres  
January 1 - December 31 for livestock use

PRIORITY DATE: December 31, 1908

PLACE OF USE:

NW ¼SW ¼	14.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
LOT 1 SW ¼ NW ¼	11.2	ACRES IRRIGATION AND LIVESTOCK
LOT 2 NE ¼ SW ¼	14.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SW ¼	14.1	ACRES IRRIGATION AND LIVESTOCK
LOT 12 SW ¼NW ¼	7.5	ACRES IRRIGATION AND LIVESTOCK
LOT 13 SE ¼ NW ¼	3.6	ACRES IRRIGATION AND LIVESTOCK
LOT 14 NE ¼ SW ¼	3.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 2 SE ¼ NE ¼ 0.7 ACRES IRRIGATION AND LIVESTOCK

SECTION 17

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:
- Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **204**  
Pre-1909 claim

**Current Claimant(s) of Record:**

John Evensizer  
Barbara Evensizer  
707 S 5th St  
Klamath Falls OR 97601

**Original Claimant(s):**

John Evensizer  
Barbara Evensizer

The general location of the claimed use is Township 39 South, Range 8 East and Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 24, 1990.
3. The claim is for a total of 0.15 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 3.6 acres.
4. The claimed period of use is May, June, July, and August.
5. The claimed priority date is 1901.

## FINDINGS OF FACT

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 8, NE ¼ NW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 3.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.09 cubic feet per second, measured at the point of diversion. This is a smaller amount than claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1901

PLACE OF USE:

LOT 11 SW ¼ SW ¼      0.2      ACRES IRRIGATION  
SECTION 32  
TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 8 NE ¼ NW ¼      1.7      ACRES IRRIGATION  
LOT 9 NW ¼ NW ¼      1.7      ACRES IRRIGATION  
SECTION 5  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1901.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **205**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Robert Flowers  
Martin Scull  
Flowers Bros Inc  
18110 Keno-Worden Rd.  
Klamath Falls OR 97603

Sandy Tucker  
Karen Tucker  
2142 Scenic Ridge Dr.  
Chino Hills, CA 91709

**Original Claimant(s):**

Robert Flowers  
Flowers Bros. Inc.  
Martin Scull

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 24, 1991.
3. The claim is for 1/40 of a cubic feet per second for each acre from five points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 550 acres.
4. The claimed period of use is January 1 through December 31.

5. The claimed priority date is December 1, 1858.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which found the claimed use.
7. A private engineer or surveyor performed a field inspection which identified and clarified the location of 2 points of diversion relating to the claim.
8. Tabulation of irrigated lands provided by claimant indicated that the total number of acres irrigated was 557.7 rather than the 550 acres listed on the claim form.
9. The delivery system has the capacity to deliver the claimed amount.
10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

11. The claimant provided information regarding the irrigation practice used to beneficially irrigate the lands. The practice includes flooding the fields in the fall and winter, draining the fields in the spring, and sprinkle irrigation during the summer.
12. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Lot 4, NE ¼ NW ¼, Section 23, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 26.9 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.67 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: August 31, 1869

PLACE OF USE:

LOT 4 NE ¼ NW ¼ 15.2 ACRES IRRIGATION  
LOT 4 NW ¼ NW ¼ 0.6 ACRES IRRIGATION  
LOT 5 SE ¼ NW ¼ 11.1 ACRES IRRIGATION  
SECTION 23  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 4, SW ¼ SW ¼, Section 15, Township 40 South, Range 8 East, W.M., SE ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M., SW ¼ SE ¼, Section 16, Township 40 South, Range 8 East, W.M., SW ¼ SW ¼, Section 16, Township 40 South, Range 8 East, W.M., NE ¼ NW ¼, Section 22, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 530.8 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 13.27 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 1, 1858

PLACE OF USE:

LOT 4 SW ¼ SW ¼ 14.2 ACRES IRRIGATION  
LOT 5 SE ¼ SW ¼ 4.4 ACRES IRRIGATION  
LOT 6 SE ¼ SE ¼ 5.1 ACRES IRRIGATION  
LOT 7 SE ¼ SE ¼ 1.0 ACRES IRRIGATION  
SECTION 15  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SE ¼ 2.5 ACRES IRRIGATION  
SE ¼ SE ¼ 0.7 ACRES IRRIGATION  
LOT 5 SW ¼ SE ¼ 15.3 ACRES IRRIGATION  
LOT 6 SE ¼ SE ¼ 9.8 ACRES IRRIGATION  
SECTION 16  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION  
LOT 2 SE ¼ NE ¼ 1.8 ACRES IRRIGATION  
LOT 3 SE ¼ NE ¼ 8.0 ACRES IRRIGATION  
LOT 4 NW ¼ NE ¼ 17.6 ACRES IRRIGATION

SECTION 21  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	12.4	ACRES IRRIGATION
NW ¼ NE ¼	37.9	ACRES IRRIGATION
NE ¼ NW ¼	38.5	ACRES IRRIGATION
NW ¼ NW ¼	40.0	ACRES IRRIGATION
SE ¼ NW ¼	40.0	ACRES IRRIGATION
SW ¼ SE ¼	3.6	ACRES IRRIGATION
LOT 1 SW ¼ NW ¼	0.4	ACRES IRRIGATION
LOT 3 SE ¼ NE ¼	0.1	ACRES IRRIGATION
LOT 3 NW ¼ SE ¼	1.8	ACRES IRRIGATION
LOT 5 SE ¼ NE ¼	11.2	ACRES IRRIGATION
LOT 6 SW ¼ NE ¼	36.8	ACRES IRRIGATION
LOT 7 NW ¼ SE ¼	25.1	ACRES IRRIGATION
LOT 8 NE ¼ SW ¼	12.5	ACRES IRRIGATION
LOT 9 SW ¼ NW ¼	30.0	ACRES IRRIGATION
LOT 10 SE ¼ NE ¼	15.1	ACRES IRRIGATION
LOT 10 NE ¼ SE ¼	12.7	ACRES IRRIGATION
LOT 11 SE ¼ SE ¼	1.3	ACRES IRRIGATION

SECTION 22  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

SE ¼ SW ¼	0.3	ACRES IRRIGATION
LOT 6 NE ¼ SW ¼	8.7	ACRES IRRIGATION
LOT 7 NW ¼ SW ¼	38.0	ACRES IRRIGATION
LOT 8 SW ¼ NW ¼	3.3	ACRES IRRIGATION
LOT 9 SW ¼ SW ¼	33.5	ACRES IRRIGATION

SECTION 23  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 3 NW ¼ NW ¼	7.2	ACRES IRRIGATION
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SECTION 26  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

13. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred August 31, 1868.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

- 14. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 12 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **206**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Larry E Peacore  
Carolyn F Peacore  
PO Box 1079  
Keno OR 97627

**Original Claimant(s):**

Lloyd V. Howard

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 9, 1990.
3. The claim is for a total of 3.9 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for livestock of 154.0 acres and livestock use for 150 head.
4. The claimed period of use is May 1 through October 31.
5. The claimed priority date is August 26, 1905.

## FINDINGS OF FACT

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

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: Lot 9 NE ¼ NW ¼, Section 8, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 154.0 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 3.85 cubic feet per second for irrigation and 1800 gallons per day for 150 head of livestock, measured at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: August 26, 1905

PLACE OF USE:

SW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 13.2 ACRES IRRIGATION AND LIVESTOCK  
SECTION 5  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 5 21.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 7  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼ 39.7 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NW ¼ 39.5 ACRES IRRIGATION AND LIVESTOCK  
SECTION 8  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **207**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Kite Ranches Inc.  
PO Box 175  
Keno OR 97627

**Original Claimant(s):**

Kite Ranches Inc.

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for 3 acre feet per acre from six points of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 771.6 acres and stock water.
4. The claimed period of use is April 15 through November 15.
5. The claimed priority date is October 28, 1897.

**FINDINGS OF FACT**

6. The Department performed a field inspection which limits this claim.
7. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

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

POINTS OF DIVERSION LOCATIONS: Lot 6, NE ¼ SE ¼, Section 6, Township 40 South, Range 8 East, W.M., Lot 11, SE ¼ NE ¼, Section 6, Township 40 South, Range 8 East, W.M., Lot 12, NE ¼ SW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Commingled water of the Klamath River, tributary to Pacific Ocean

USE: irrigation of 206.8 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: a total of 5.17 cubic feet per second, from the 3 points of diversion, for irrigation and incidental livestock use, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31 for irrigation and incidental livestock watering.

PRIORITY DATE: October 28, 1897

PLACE OF USE:

	NW ¼ SW ¼	31.9	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 12	NE ¼ SW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
SECTION 5			
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.			

SE ¼ NE¼      3.1      ACRES IRRIGATION AND LIVESTOCK

	SE ¼ SE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	SW ¼ SE ¼	16.3	ACRES IRRIGATION AND LIVESTOCK
LOT 10	NE ¼ SE ¼	36.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SE ¼ SE ¼	14.4	ACRES IRRIGATION AND LIVESTOCK

SECTION 6

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 6	NW ¼ NE ¼	11.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NE ¼	33.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 6

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

POINTS OF DIVERSION LOCATIONS: Lot 6, SE ¼ NE ¼, Section 8, Township 40 South, Range 8 East, W.M., Lot 7, SE ¼ SW ¼, Section 9, Township 40 South, Range 8 East, W.M., Lot 13, SW ¼ NE ¼, Section 16, Township 40 South, Range 8 East, W.M.

SOURCE: Commingled water of the Klamath River, tributary to Pacific Ocean

USE: irrigation of 441.2 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: a total of 11.03 cubic feet per second, from the 3 points of diversion, for irrigation and incidental livestock use, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31 for irrigation and incidental livestock watering.

PRIORITY DATE: October 28, 1897

PLACE OF USE:

	NE ¼ NE ¼	1.3	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ NE ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SE ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	39.4	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ SW ¼	25.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ SE ¼	8.1	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SE ¼ SE ¼	37.9	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NE ¼ SE ¼	39.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	SE ¼ NE ¼	22.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NE ¼ NE ¼	6.0	ACRES IRRIGATION AND LIVESTOCK

LOT 8	NW ¼ NE ¼	18.0	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SE ¼ SW ¼	14.5	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ SE ¼	31.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 8

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	32.3	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ SW ¼	0.2	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	19.5	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SW ¼	5.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

LOT 11	NW ¼ NW ¼	20.8	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	6.7	ACRES IRRIGATION AND LIVESTOCK

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

	NW ¼ NE ¼	20.1	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ NE ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ NW ¼	21.7	ACRES IRRIGATION AND LIVESTOCK
LOT 1	NE ¼ NE ¼	0.3	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SE ¼ NE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NE ¼	24.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 17

TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

9. The 71.2 acres in section 5 and the 52.2 acres in sections 9 & 16, covered by dredging spoils, were not found to be beneficially used.
10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to October 28, 1897.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **208**  
Pre-1909 claim

**Current Claimant(s) of Record:**

T Keith Pocock  
14390 Keno-Worden Rd  
Klamath Falls OR 97601

**Original Claimant(s):**

T Keith Pocock

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 29, 1991.
3. The claim is for an unspecified amount of water from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 149.4 acres.
4. The claimed period of use is May 1 through September 30.
5. The claimed priority date is prior to 1909.

**FINDINGS OF FACT**

6. The claimant failed to provide the rate of water claimed. In addition, the claimant did not clearly identify the place of use.
7. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

8. The claimant failed to provide the rate of water claimed. Therefore, the claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **209**  
Pre-1909 claim

**Current Claimant(s) of Record:**

T Keith Pocock  
14390 Keno-Worden Rd  
Klamath Falls OR 97601

**Original Claimant(s):**

T Keith Pocock

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 29, 1991.
3. The claim is for an unspecified amount of water from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 4.6 acres.
4. The claimed period of use is May 1 through September 30.
5. The claimed priority date is prior to 1901.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **210**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Tule Smoke Inc.  
PO Box 1708  
Klamath Falls OR 97601

**Original Claimant(s):**

Tule Smoke Inc.

The general location of the claimed use is Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 3.0 acre-feet per acre from natural overflow and flooding from the Klamath River, tributary to Pacific Ocean, for wildlife.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is “time in memoriam”.

**FINDINGS OF FACT**

6. The record does not establish that intent to utilize the natural overflow existed prior to February 24, 1909.
7. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **211**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Daniel W O'Brien  
Katherine F Clyde  
1720 Lexington Place  
Wenatchee WA 98801

**Original Claimant(s):**

Daniel W O'Brien  
Katherine F Clyde

The general location of the claimed use is Section 18, Township 40 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 25, 1991.
3. The claim is for a total of 135.1 acre-feet per year from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 38.6 acres.
4. The claimed period of use is April 1 to November 1.
5. The claimed priority date is June 17, 1905.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the use substantially as claimed. However, the area irrigated was found to be 35.5 acres, less than the number of acres claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

9. It appears that the claim is based upon a notice made by the United States Bureau of Reclamation on May 17, 1905.

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

POINT OF DIVERSION LOCATION: Government Lot 8, SW ¼ NE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Upper Klamath Lake, tributary to Klamath River

USE: irrigation of 35.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.89 cubic feet per second, or 124.3 acre-feet per year, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 17, 1905

PLACE OF USE:

NE ¼ NW ¼	2.5	ACRES IRRIGATION
NW ¼ NW ¼	33.0	ACRES IRRIGATION
SECTION 18		
TOWNSHIP 40 SOUTH, RANGE 10 EAST, W.M.		

11. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

- 11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **212**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Richard Fugas  
Fugas, Elizabeth  
2300 Colestin Road  
Ashland OR 97520

**Original Claimant(s):**

Richard Fugas  
Fugas, Elizabeth

The general location of the claimed use is Section 12, Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 22, 1991.
3. The claim is for a total of 1.77 cubic feet per second from one point of diversion located on Mill Creek, tributary to Klamath River, for irrigation of 30.9 acres and livestock.
4. The claimed period of use is February - November.
5. The claimed priority date is 1853.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 11, Township 41 South, Range 1 East, W.M.

SOURCE: Mill Creek, tributary to Klamath River

USE: irrigation of 30.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 0.77 cubic feet per second for irrigation, and 960 gallons per day for livestock, measured at the point of diversion

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

PRIORITY DATE: December 31, 1854

PLACE OF USE:

NE ¼ SW ¼	14.8	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	2.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	2.9	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	10.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 12

TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:

- a. Use of water, or construction of works for the application of water occurred in 1854.
- b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **213**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Horst Forster  
2324 Colesteine Road  
Hornbrook CA 96044

Wesley & Cynthia Norton  
PO Box 417  
Ashland OR 97520-0014

Richard & Nancy Martin  
PO Box 5396  
Santa Ana CA 92704-0396

**Original Claimant(s):**

Gen Hal W Vincent, USMC (Ret)

The general location of the claimed use is Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 2.68 cubic feet per second from two points of diversion located on Mill Creek, tributary to West Fork Cottonwood Creek, and West Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 99.4 acres and livestock.

4. The claimed period of use is May through November for irrigation and year around for livestock.
5. The claimed priority date is 1854.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which found that the irrigation use was limited to 78.8 acres from point of diversion #4 only. Point of diversion #6 did not yet exist at the time of the field inspection.
7. The delivery system has the capacity to deliver the amount specified in item 9 below.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, Section 11, Township 41 South, Range 1 East, W.M.

SOURCE: Mill Creek, tributary to Klamath River

USE: irrigation of 78.8 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 1.97 cubic feet per second for irrigation, and 4200 gallons per day for livestock, measured at the point of diversion

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

PRIORITY DATE: December 31, 1854

PLACE OF USE:

SE ¼ SE ¼ 9.4 ACRES IRRIGATION AND LIVESTOCK  
SECTION 11  
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NW ¼ SW ¼ 1.5 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SW ¼ 28.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 12  
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NW ¼ NW ¼ 22.7 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ NW ¼ 10.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 13  
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

NE ¼ NE ¼ 6.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 14  
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred in 1854.
  - b. Works for diversion of water from point of diversion #4 and delivery to the lands described in item #9 above were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **214**  
Pre-1909 claim

**Current Claimant(s) of Record:**

June L Young  
13121 Malena Drive  
Santa Ana, CA 92705

**Original Claimant(s):**

June L Young

The general location of the claimed use is Township 41 South, Range 1 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 0.91 cubic feet per second from two points of diversion located on West Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 41.6 acres and livestock.
4. The claimed period of use is April to November.
5. The claimed priority date is 1854.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found that the irrigation use within the claimed area was limited to 26.9 acres from point of diversion #5 only. Point of diversion #6 did not yet exist at the time of the field inspection.
7. The delivery system has the capacity to deliver the amount specified in item 9 below.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 14, Township 41 South, Range 1 East, W.M.

SOURCE: West Fork Cottonwood Creek, tributary to Klamath River

USE: irrigation of 26.9 acres and livestock watering for 100 head

AMOUNT ACTUALLY BENEFICIALLY USED: 0.67 cubic feet per second for irrigation, and 1200 gallons per day for livestock, measured at the point of diversion

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

PRIORITY DATE: December 31, 1854

PLACE OF USE:

NW ¼ NW ¼	8.9	ACRES IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ NW ¼	5.8	ACRES IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ NW ¼	4.2	ACRES IRRIGATION AND LIVESTOCK
SECTION 13		
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.		
NE ¼ NE ¼	5.4	ACRES IRRIGATION AND LIVESTOCK

LOT 1 SE ¼ NE ¼ 0.6 ACRES IRRIGATION AND LIVESTOCK  
SECTION 14  
TOWNSHIP 41 SOUTH, RANGE 1 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred in 1854.
  - b. Works for diversion of water from point of diversion #5 and delivery to the lands described in item #9 above were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **215**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Jerry Barry  
8000 Copco Rd  
Ashland OR 97520

**Original Claimant(s):**

Jerry Barry

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 24, 1991.
3. The claim is for a total of 1.18 cubic feet per second from three points of diversion located on Sloan Springs, tributary to Sloan Creek, for irrigation of 78.0 acres.
4. The claimed period of use is March 1 through October 30.
5. The claimed priority date is 1900.

**FINDINGS OF FACT**

6. A private engineer or surveyor prepared a map which showed the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.

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

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

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

POINT OF DIVERSION LOCATIONS:

Spring #1: SE ¼ NW ¼, Section 11, Township 41 South, Range 4 East, W.M.

Spring #2: SW ¼ NE ¼, Section 11, Township 41 South, Range 4 East, W.M.

Spring #2: SW ¼ NE ¼, Section 11, Township 41 South, Range 4 East, W.M.

SOURCE: Sloan Springs, being Springs #1, #2, and #3, tributary to Sloan Creek

USE: irrigation of 78.0 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.18 cubic feet per second, being 1.0 cfs from Spring #1, 0.09 cfs from Spring #2, and 0.09 cfs from Spring #3, measured at the points of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1900

PLACE OF USE:

NE ¼ NW ¼ 33.0 ACRES IRRIGATION

SE ¼ NW ¼ 30.0 ACRES IRRIGATION

NE ¼ SW ¼ 15.0 ACRES IRRIGATION

SECTION 11

TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **216**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Jerry Barry  
8000 Copco Rd  
Ashland OR 97520

**Original Claimant(s):**

Jerry Barry

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 24, 1991.
3. The claim is for an unspecified amount of water from one point of diversion located on Fall Creek Springs, tributary to Fall Creek, for irrigation of 80.0 acres.
4. The claimed period of use is March 1 through October 30.
5. The claimed priority date is December 2, 1899.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. The record does not contain evidence of completion of works within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **217**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Kristy Goldman  
William Goldman  
Charles Troutman  
Marilyn Troutman  
Chuck Troutman  
Val Troutman  
9921 Copco Road  
Ashland OR 97520

**Original Claimant(s):**

Larry Leonard

The general location of the claimed use is Township 41 South, Range 4 East, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on November 28, 1990.
3. The claim is for a total of 348 gallons per minute from three points of diversion located on two springs and another greater spring area and unnamed stream, tributary to Fall Creek, for irrigation of 29.5 acres, domestic and livestock.
4. The claimed period of use is May 1 through October 31 for irrigation and year round for domestic and livestock.

5. The claimed priority date is 1895.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. In a letter dated June 24, 1999, the current claimant estimated the quantity of water used for irrigation to be 236 gallons per minute and the quantity of water used for livestock to be 82 gallons per minute.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Domestic:

RATE: 0.01 cfs/dwelling      SEASON: January 1 - December 31

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 2, Township 41 South, Range 4 East, W.M.

SOURCE: spring, tributary to Fall Creek

USE: domestic for two dwellings

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

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1895

PLACE OF USE:

NE ¼ SW ¼ DOMESTIC  
SECTION 2  
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 2, Township 41 South,  
Range 4 East, W.M.

SOURCE: three springs, tributary to Fall Creek

USE: irrigation of 29.5 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured  
at the point of diversion for irrigation; 720 gallons per day for 60 head of livestock. This  
is less than the amount claimed.

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

PRIORITY DATE: December 31, 1895

PLACE OF USE:

SW ¼ NW ¼ 0.2 ACRES IRRIGATION  
SE ¼ NW ¼ 24.3 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SW ¼ 4.5 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 0.5 ACRES IRRIGATION  
SECTION 2  
TOWNSHIP 41 SOUTH, RANGE 4 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.

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. **218**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp  
dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 4 East, W.M. and Township 48 North, Range 4 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 16.5 cubic feet per second from one point of diversion located on Spring Creek, tributary to Jenny Creek/Klamath River, for power.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is September 23, 1902.
6. The claimant corrected the claim to include an additional point of diversion from Fall Creek located in NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 19, Township 48 North, Range 4 West, M.D.M. in California.

## FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.
8. The Klamath Basin General Stream Adjudication only adjudicates points of diversion that are located in Oregon. The Fall Creek diversion is located in California. Therefore, the Department proposes to neither approve nor deny the Fall Creek diversion point.
9. The delivery system from the Spring Creek diversion has the capacity to deliver the claimed amount.
10. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For power use:SEASON: January 1 - December 31

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

POINT OF DIVERSION LOCATION: Government Lot 3, NE ¼ NW ¼, Section 3, Township 41 South, Range 4 East, W.M.

SOURCE: Spring Creek, tributary to Klamath River

USE: power

AMOUNT ACTUALLY BENEFICIALLY USED: 16.5 cubic feet per second, measured at the point of diversion

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: September 23, 1902

PLACE OF USE:

SW ¼ NW ¼            POWER  
SECTION 30  
TOWNSHIP 48 NORTH, RANGE 4 WEST, M.D.M.

12. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

13. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 11 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **219**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
PacifiCorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

PacifiCorp  
dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on unnamed stream (Tom Creek), tributary to Klamath River, for irrigation of 8 acres.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is 1906.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 12, Township 41 South, Range 5 East, W.M.

SOURCE: unnamed stream (Tom Creek), tributary to Klamath River

USE: irrigation of 6.2 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.16 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1906

PLACE OF USE:

SW ¼ SW ¼	3.1	ACRES IRRIGATION
SE ¼ SW ¼	3.1	ACRES IRRIGATION
SECTION 12		
TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.		

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1906.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **220**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacificorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Randy Landolt  
Pacificorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 0.2 cubic feet per second from one point of diversion located on Hayden Creek, tributary to Klamath River, for irrigation.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is September 4, 1906.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 4, Section 13, Township 41 South, Range 5 East, W.M.

SOURCE: Hayden Creek, tributary to Klamath River

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: 0.10 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: September 4, 1906

PLACE OF USE:

LOT 3 1.3      ACRES IRRIGATION  
LOT 4 2.8      ACRES IRRIGATION  
SECTION 13  
TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1906.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **221**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M. and Township 48 North, Range 3 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 12.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of acres.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is 1874.

**FINDINGS OF FACT**

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

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 3, SW ¼ SE ¼, Section 12, Township 41 South, Range 5 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 29.4 acres. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.74 cubic feet per second, measured at the point of diversion. This is less than the claimed amount.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1874

PLACE OF USE:

NE ¼ SE ¼    6.7    ACRES IRRIGATION  
 SE ¼ SE ¼    9.1    ACRES IRRIGATION  
 SECTION 15  
 TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NE ¼ NE ¼    4.3    ACRES IRRIGATION  
 SE ¼ NE ¼    1.0    ACRES IRRIGATION  
 NE ¼ SE ¼    3.7    ACRES IRRIGATION  
 SECTION 22  
 TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NW ¼ SW ¼    4.6    ACRES IRRIGATION  
 SECTION 23  
 TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1874.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **222**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M. and Township 48 North, Range 3 West, M.D.M.

This preliminary evaluation takes into consideration all information available as of September 20, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 12.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 54 acres.
4. The claimed period of use is April 15 through October 31.
5. The claimed priority date is 1874.
6. The claimant corrected the claim to include irrigation of 57.6 acres, as shown on the Department map, which the claimant had accepted in the claim form, item 11.

## FINDINGS OF FACT

7. The Department performed a field inspection which found the use as claimed.
8. The delivery system has the capacity to deliver 4.71 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: Government Lot 3, Section 13, Township 41 South, Range 5 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 57.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.44 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1874

PLACE OF USE:

NE ¼ SE ¼	5.0	ACRES IRRIGATION
SW ¼ SE ¼	1.1	ACRES IRRIGATION
SE ¼ SE ¼	10.2	ACRES IRRIGATION

SECTION 15

TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

NE ¼ NE ¼	18.5	ACRES IRRIGATION
NW ¼ NE ¼	2.0	ACRES IRRIGATION
SW ¼ NE ¼	0.9	ACRES IRRIGATION
SE ¼ NE ¼	18.1	ACRES IRRIGATION
NE ¼ SE ¼	1.0	ACRES IRRIGATION
NW ¼ SE ¼	0.8	ACRES IRRIGATION

SECTION 22

TOWNSHIP 48 NORTH, RANGE 3 WEST, M.D.M.

11. For the required Pre-1909 elements the Department finds:
- a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1874.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **223**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Randy Landolt  
Pacifcorp; dba Pacific Power and Light Co.  
825 NE Multnomah Suite 1700  
Portland OR 97232

**Original Claimant(s):**

Pacifcorp; dba Pacific Power and Light Co.

The general location of the claimed use is Township 41 South, Range 5 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 0.02 cubic feet per second from one point of diversion located on unnamed Spring for domestic.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is September 4, 1906.

**FINDINGS OF FACT**

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver 0.01 cubic feet per second.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 11, Township 41 South, Range 5 East, W.M.

SOURCE: unnamed Spring, tributary to Klamath River

USE: domestic

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: September 4, 1906

PLACE OF USE:

SW ¼ SW ¼                      DOMESTIC  
SECTION 12  
TOWNSHIP 41 SOUTH, RANGE 5 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

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. **224**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Winston H. Patterson  
Louise Patterson  
James C. Ross  
Marilyn J. Ross  
20792 Keno Worden Road  
Klamath Falls OR 97603

**Original Claimant(s):**

Winston H. Patterson  
Louise Patterson  
James C. Ross  
Marilyn J. Ross

The general location of the claimed use is Township 41 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on October 30, 1990.
3. The claim is for a total of 5 cubic feet per second from one point of diversion located on Bear Creek, tributary to Klamath River, for irrigation of 232 acres.
4. The claimed period of use is late April thru August.
5. The claimed priority date is May 13, 1899.

**FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, Section 4, Township 41 South, Range 8 East, W.M.

SOURCE: Bear Creek, tributary to Klamath River

USE: irrigation of 232 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 5.0 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 13, 1899

PLACE OF USE:

NE ¼ NW ¼	8.9	ACRES IRRIGATION
NW ¼ NW ¼	31.4	ACRES IRRIGATION
SW ¼ NW ¼	28.5	ACRES IRRIGATION
SE ¼ NW ¼	39.7	ACRES IRRIGATION
SW ¼ NE ¼	24.2	ACRES IRRIGATION
LOT 2 NW ¼ SE ¼	32.2	ACRES IRRIGATION
LOT 3 NE ¼ SW ¼	33.6	ACRES IRRIGATION
LOT 4 NW ¼ SW ¼	30.0	ACRES IRRIGATION

SECTION 4

TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼    1.4    ACRES IRRIGATION

SE ¼ NE ¼ 2.1 ACRES IRRIGATION  
SECTION 5  
TOWNSHIP 41 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1899.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **225**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Colestin Organic Farm  
2301 Hilt Road  
Hornbrook, CA 96044

**Original Claimant(s):**

SS Bar Ranch

The general location of the claimed use is Township 48 North, Range 7 West, W.M.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on January 28, 1991.
3. The claim is for a total of 2.14 cubic feet per second from East Fork Cottonwood Creek, tributary to Klamath River, for irrigation of 45.7 acres and livestock watering for 100 head.
4. Period of use is March 1 to October 30
5. The claimed priority date is 1854.

**FINDINGS OF FACT**

6. The Department performed a Field Inspection and found the use as claimed.
7. The system will deliver the quantity of water claimed.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

For livestock:

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

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

POINT OF DIVERSION LOCATION: Government Lot 3, SW ¼ NE ¼, Section 13, Township 41 South, Range 1 East, W.M.

SOURCE: East Fork Cottonwood Creek, tributary to Cottonwood Creek

USE: irrigation of 45.7 acres and livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 1.14 cubic feet per second for irrigation and 1200 gallons per day for livestock, measured at the point of diversion.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: December 31, 1854

PLACE OF USE:

LOT 2 SW ¼ SE¼	2.4	IRRIGATION AND LIVESTOCK
LOT 3 SE ¼ SW¼	5.2	IRRIGATION AND LIVESTOCK
SECTION 15		
TOWNSHIP 48 NORTH, RANGE 7 WEST, W.M.		

NW ¼ NE¼	17.8	IRRIGATION AND LIVESTOCK
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SW ¼ NE¼ 16.3 IRRIGATION AND LIVESTOCK  
NE ¼ NW¼ 2.7 IRRIGATION AND LIVESTOCK  
NW ¼ SE¼ 1.3 IRRIGATION AND LIVESTOCK  
SECTION 22  
TOWNSHIP 48 NORTH, RANGE 7 WEST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred in 1854.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **284**  
*Pre-1909 Claim*

**Current Claimant(s) of Record:**

Edna B. Lilly  
13350 Hwy 66  
Klamath Falls OR 97601

**Original Claimant(s):**

John V. Lilly  
Edna B. Lilly

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on March 31, 1997.
2. The claim was withdrawn on March 19, 1999.

**CONCLUSION**

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **285**  
Pre-1909 claim

**Current Claimant(s) of Record:**

John V. Lilly  
Edna B. Lilly  
13350 Hwy 66  
Klamath Falls OR 97601

**Original Claimant(s):**

John V. Lilly  
Edna B. Lilly

The general location of the claimed use is Township 39 South, Range 8 East and Township 40 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 21, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on March 31, 1997.
3. The claim is for a total of 1.12 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 78.5 acres and livestock.
4. The claimed period of use is April 1 through November 15 for irrigation, year round for livestock.
5. The claimed priority date is 1905.
6. Claim was corrected, to 1.545 cubic feet per second for the irrigation of 68.1 acres, on

March 19, 1999. The livestock use was described as incidental.

**FINDINGS OF FACT**

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

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 5, Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: 59.4 acres irrigation and incidental livestock. This is a smaller amount than claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.49 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

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

PRIORITY DATE: May 17, 1905

PLACE OF USE:

	SE ¼ NW ¼	4.4	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	7.7	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	9.5	ACRES IRRIGATION AND LIVESTOCK
LOT 1	SW ¼ SW ¼	5.5	ACRES IRRIGATION AND LIVESTOCK
LOT 2	SE ¼ SW ¼	3.7	ACRES IRRIGATION AND LIVESTOCK

LOT 4            NW ¼ SE ¼    2.9    ACRES IRRIGATION AND LIVESTOCK  
LOT 5            SW ¼ NE ¼    19.6   ACRES IRRIGATION AND LIVESTOCK  
LOT 10           SE ¼ SW ¼    3.8    ACRES IRRIGATION AND LIVESTOCK  
LOT 11           SW ¼ SW ¼    0.2    ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

LOT 8            NE ¼ NW ¼    2.1    ACRES IRRIGATION AND LIVESTOCK  
SECTION 5  
TOWNSHIP 40 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:
- a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **286**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Klamath Sprig and Honker Club Inc.  
8346 Woodborough Way  
Fair Oaks CA 95628

**Original Claimant(s):**

Klamath Sprig and Honker Club Inc.

The general location of the claimed use is Township 47 North, Range 3 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 28, 1997.
3. The claim is for a total of 50 cubic feet per second from two points of diversion located on Link R Dam, tributary to Tule L, for irrigation of 880 acres.
4. The claimed period of use is January 1 through June 30.
5. The claimed priority date is December 31, 1950.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. The record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **287**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Oregon Department of Fish and Wildlife  
1850 Miller Island Road W.  
Klamath Falls OR 97603

**Original Claimant(s):**

Oregon Department of Fish and Wildlife

The general location of the claimed use is NW 1/4 NW 1/4 Section 25, Township 39 S, Range 8 E., WM

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 0.5 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation & domestic.
4. The claimed period of use is April 1 through October 1.
5. The claimed priority date is December 31, 1905.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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. **288**  
Pre-1909 claim

**Current Claimant(s) of Record:**

David P. Henzel  
15195 NW Aberdeen Dr  
Portland OR 97229-0936

**Original Claimant(s):**

David P. Henzel

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 29, 1997.
3. The claim is for a total of 6.03 cubic feet per second from one point of diversion located on Upper Klamath Lake, tributary to Klamath River, for irrigation of 36.3 acres.
4. The claimed period of use is May 1 through October 31.
5. The claimed priority date is May 19, 1905.

## **FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds that the record does not contain evidence of use of water or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

7. The required Pre-1909 elements are not established for this claim. Therefore, the claim is denied.

Dated the 4th day of October, 1999.

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 typed name.

Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

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

Claim No. **289**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Plevna District Improvement Co.  
P.O. Box 16  
Klamath Falls OR 97601

**Original Claimant(s):**

Plevna District Improvement Co.

The general location of the claimed use is Township 39 South, Range 8 East and Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 22, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 8.13 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 477.5 acres and livestock.
4. The claimed period of use is April 1 through November 1.
5. The claimed priority date is 1905.

**FINDINGS OF FACT**

6. The Department performed a field inspection which did not entirely cover the lands involved in the claim. The field inspection did not indicate use of water for livestock.
7. The delivery system has the capacity to deliver 3.21 cubic feet per second.

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

Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: LOT 7 NE ¼ NW ¼, Section 19, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 301.1 acres and livestock. This is a smaller area than what was claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.21 cubic feet per second, measured at the point of diversion for irrigation and 4800 gallons per day for 400 head of cattle. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 17, 1905

PLACE OF USE:

SW ¼ NE ¼	14.7	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	8.3	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	1.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	1.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	27.0	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	32.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	7.3	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	7.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼	15.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 13

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

SE ¼ NE ¼	0.9	ACRES IRRIGATION AND LIVESTOCK
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NE ¼ SE ¼ 22.0 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ SE ¼ 2.1 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ SE ¼ 4.6 ACRES IRRIGATION AND LIVESTOCK

SECTION 14

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼ 39.7 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ NE ¼ 35.1 ACRES IRRIGATION AND LIVESTOCK  
SW ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK  
SE ¼ NE ¼ 38.6 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SE ¼ 4.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 23

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NW ¼ NW ¼ 3.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 24

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
- a. Based on the claimed priority date, use of water, or construction of works for the application of water began in 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **290**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Collins Products LLC  
P.O. Box 16  
Klamath Falls OR 97601

**Original Claimant(s):**

Collins Products LLC

The general location of the claimed use is Township 39 South, Range 8 East

This preliminary evaluation takes into consideration all information available as of September 8, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 95.36 cubic feet per second from six points of diversion located on Klamath River, tributary to Pacific Ocean, for industrial & manufacturing.
4. The claimed period of use is January 1 through December 31.
5. The claimed priority date is unknown.

**FINDINGS OF FACT**

6. For the required Pre-1909 elements the Department finds that the record does not establish that there was use of water, an intent to use of water, or construction of works for the application of water prior to February 24, 1909.

## **CONCLUSION**

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

Dated the 4th day of October, 1999.

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. **291**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Earl Martin Kerns  
Shirley F. Kerns  
9350 Highway 66  
Klamath Falls, OR 97601

**Original Claimant(s):**

Earl Martin Kerns  
Shirley F. Kerns

The general location of the claimed use is Township 39 South, Range 8 East, W. M.

This preliminary evaluation takes into consideration all information available as of September 14, 1999

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on April 4, 1997
3. The claim is for a total of 6.12 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 156.7 acres and stock water for 500 head.
4. The claimed period of use is March 15 through November 15 for irrigation and all year for stock water.
5. The claimed priority date is 1905

## FINDINGS OF FACT

6. The Department performed a field inspection which found the use as claimed.
7. The delivery system has the capacity to deliver the claimed amount.
8. Claim was amended on March 22, 1999 to reflect the Department's map and Field Inspection Report.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

For Irrigation:

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

Livestock:

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

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

POINT OF DIVERSION LOCATION: NE ¼ NE ¼, Section 34, Township 39 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 158.9 acres and livestock

AMOUNT ACTUALLY BENEFICIALLY USED: 3.97 cubic feet per second, measured at the point of diversion for irrigation and 6000 gallons per day for livestock. This is less than the amount claimed

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: December 31, 1905

PLACE OF USE:

NE ¼ NW ¼	7.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	11.5	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	15.6	ACRES IRRIGATION AND LIVESTOCK

SE ¼ NW ¼ 38.7 ACRES IRRIGATION AND LIVESTOCK  
NE ¼ SW ¼ 38.7 ACRES IRRIGATION AND LIVESTOCK  
NW ¼ SW ¼ 27.6 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SW ¼ SW ¼ 14.3 ACRES IRRIGATION AND LIVESTOCK

SECTION 27

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼ 0.8 ACRES IRRIGATION AND LIVESTOCK  
LOT 1 SE ¼ SE ¼ 4.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 2 SE ¼ SE ¼ 0.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 3 SE ¼ SE ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK

SECTION 28

TOWNSHIP 39 SOUTH, RANGE 8 EAST, W.M.

11. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred prior to 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

**CONCLUSION**

12. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **292**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Gary Griffith  
Marjorie Divine  
Victor Divine  
857 Griffith Lane  
Klamath Falls OR 97603-9369

**Original Claimant(s):**

David Griffith  
Gary Griffith  
Karen Griffith  
Marjorie Divine  
Victor Divine

David Griffith  
Nora Griffith  
PO Box 7579  
Klamath Falls, OR 97602

The general location of the claimed use is Township 39 South, Range 9 East, W. M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

**CLAIM INFORMATION**

2. The claim was filed on March 26, 1997.
3. The claim is for a total of 4.04 cubic feet per second from one point of diversion located on Klamath River, tributary to Klamath River, for irrigation of 37.5 acres.
4. The claimed period of use is March to October.

5. The claimed priority date is 1867.

## **FINDINGS OF FACT**

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

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

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

POINT OF DIVERSION LOCATION: Lot 8, SE ¼ NW ¼, Section 17, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Klamath River

USE: irrigation of 37.5 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 0.94 cubic feet per second, measured at the point of diversion. This is less than the amount claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE:

LOT 2 SE ¼ NE ¼	1.8	ACRES IRRIGATION
LOT 3 SW ¼ NE ¼	14.1	ACRES IRRIGATION
LOT 4 NW ¼ SE ¼	14.0	ACRES IRRIGATION
LOT 8 SE ¼ NW ¼	7.6	ACRES IRRIGATION

SECTION 17

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred on May 19, 1905.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", is 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. **321**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Don Johnston and Son  
13619 Hwy 66  
Klamath Falls OR 97601

Enterprise Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pine Grove Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pioneer District Improvement Company  
12951 Hwy 66  
Klamath Falls OR 97601

Shasta View Irrigation District  
PO Box 46  
Malin OR 97632

Van Brimmer Ditch Company  
PO Box 292  
Merrill OR 97633

Ady District Improvement Company  
18110 Keno Warden Rd  
Klamath Falls OR 97603

Klamath Basin Improvement District  
6640 KID Lane  
Klamath Falls OR 97603

Klamath Drainage District  
4901 Lower Klamath Lake Rd  
Klamath Falls OR 97601

Klamath Hills District Improvement  
Company  
22020 Malone Rd  
Merrill OR 97633

Midland District Improvement Company  
PO Box 63  
Midland OR 97634

Poe Valley Improvement District  
25400 Poe Valley Rd  
Klamath Falls OR 97603

Sunnyside Irrigation District  
PO Box 1009  
Merrill OR 97633

Klamath Irrigation District  
6640 KID Lane  
Klamath Falls OR 97603

Malin Irrigation District  
PO Box 355  
Malin OR 97632

Thomas J Shaw  
Modoc Lumber Company  
PO Box 257  
Klamath Falls OR 97601

Rich Flink  
Reames Golf and Country Club Inc  
4201 Hwy 97 South  
Klamath Falls OR 97603

Tulelake Irrigation District  
PO Box 699  
Tulelake CA 96134

Randy Walthall  
1200 Stewart Rd  
Sacramento CA 95864

Berlva Pritchard  
PO Box 176  
Days Creek OR 97424

Inter-County Title Company  
PO Box 1048  
Placerville CA 95667  
Donald Vincent

Brad Luscombe  
Rt 1 Box 444  
Tule Lake CA 96134

Phyllis Vincent  
5540 Villa Dr  
Klamath Falls OR 97603

Gary Orem  
19980 Hwy 50  
Merrill OR 97633

Don Buffington  
Winema Hunting Lodge  
14154 Donart Dr  
Poway CA 92064

Ralph Stearns  
PO Box 434  
Merrill OR 97633

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

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

## **ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

## **CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 3,280 cubic feet per second from the natural flow of Upper Klamath Lake and Lake Ewauna, Link River and Klamath River, including Lost River Diversion Channel, and all tributaries to the Klamath River. Some of the claimants redivert this natural flow from Lost River, Tule Lake, Lower Klamath Lake and other

interconnected channels. The claimed use is irrigation and stock (which is included within the quantity defined in this claim).

4. The claimed period of use is January 1 through December 31.
5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which did not support the claim.
7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the delivery system.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

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

POINT OF DIVERSION LOCATION:

A Canal:	SW ¼ NE ¼, Section 30,	Township 38 South, Range 9 East, W.M.
Reams:	SE ¼ NE ¼, Section 18,	Township 39 South, Range 9 East, W.M.
Pioneer:	NE ¼ NE ¼, Section 34,	Township 39 South, Range 8 East, W.M.
Ady Canal:	NE ¼ NW ¼, Section 15,	Township 40 South, Range 8 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **322**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Don Johnston and Son  
13619 Hwy 66  
Klamath Falls OR 97601

Enterprise Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pine Grove Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pioneer District Improvement Company  
12951 Hwy 66  
Klamath Falls OR 97601

Shasta View Irrigation District  
PO Box 46  
Malin OR 97632

Van Brimmer Ditch Company  
PO Box 292  
Merrill OR 97633

Ady District Improvement Company  
18110 Keno Warden Rd  
Klamath Falls OR 97603

Klamath Basin Improvement District  
6640 KID Lane  
Klamath Falls OR 97603

Klamath Drainage District  
4901 Lower Klamath Lake Rd  
Klamath Falls OR 97601

Klamath Hills District Improvement  
Company  
22020 Malone Rd  
Merrill OR 97633

Midland District Improvement Company  
PO Box 63  
Midland OR 97634

Poe Valley Improvement District  
25400 Poe Valley Rd  
Klamath Falls OR 97603

Sunnyside Irrigation District  
PO Box 1009  
Merrill OR 97633

Klamath Irrigation District  
6640 KID Lane  
Klamath Falls OR 97603

Malin Irrigation District  
PO Box 355  
Malin OR 97632

Thomas J Shaw  
Modoc Lumber Company  
PO Box 257  
Klamath Falls OR 97601

Rich Flink  
Reames Golf and Country Club Inc  
4201 Hwy 97 South  
Klamath Falls OR 97603

Tulelake Irrigation District  
PO Box 699  
Tulelake CA 96134

Randy Walthall  
1200 Stewart Rd  
Sacramento CA 95864

Berlva Pritchard  
PO Box 176  
Days Creek OR 97424

Inter-County Title Company  
PO Box 1048  
Placerville CA 95667  
Donald Vincent

Brad Luscombe  
Rt 1 Box 444  
Tule Lake CA 96134

Phyllis Vincent  
5540 Villa Dr  
Klamath Falls OR 97603

Gary Orem  
19980 Hwy 50  
Merrill OR 97633

Don Buffington  
Winema Hunting Lodge  
14154 Donart Dr  
Poway CA 92064

Ralph Stearns  
PO Box 434  
Merrill OR 97633

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

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

## **ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

## **CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 753,500 acre feet of storage from Klamath River, Link River and all tributaries within Upper Klamath Lake including Agency Lake, and Lake Ewauna. Stored water to be used for irrigation and livestock as described in Claim #323.
4. The claimed period of use is January 1 through December 31.

5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

## **FINDINGS OF FACT**

6. The Department did not perform a field inspection to determine the storage capacities of the claimed facilities.
7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the storage system.
8. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Link River Dam; NW ¼ SE ¼, Section 30, Township 38 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: Storage of water for irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the storage system.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: May 19, 1905

9. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

10. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 8 above.

Dated the 4th day of October, 1999.

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. **323**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Don Johnston and Son  
13619 Hwy 66  
Klamath Falls OR 97601

Enterprise Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pine Grove Irrigation District  
4806 Hwy 39  
Klamath Falls OR 97603

Pioneer District Improvement Company  
12951 Hwy 66  
Klamath Falls OR 97601

Shasta View Irrigation District  
PO Box 46  
Malin OR 97632

Van Brimmer Ditch Company  
PO Box 292  
Merrill OR 97633

Ady District Improvement Company  
18110 Keno Warden Rd  
Klamath Falls OR 97603

Klamath Basin Improvement District  
6640 KID Lane  
Klamath Falls OR 97603

Klamath Drainage District  
4901 Lower Klamath Lake Rd  
Klamath Falls OR 97601

Klamath Hills District Improvement  
Company  
22020 Malone Rd  
Merrill OR 97633

Midland District Improvement Company  
PO Box 63  
Midland OR 97634

Poe Valley Improvement District  
25400 Poe Valley Rd  
Klamath Falls OR 97603

Sunnyside Irrigation District  
PO Box 1009  
Merrill OR 97633

Klamath Irrigation District  
6640 KID Lane  
Klamath Falls OR 97603

Malin Irrigation District  
PO Box 355  
Malin OR 97632

Thomas J Shaw  
Modoc Lumber Company  
PO Box 257  
Klamath Falls OR 97601

Rich Flink  
Reames Golf and Country Club Inc  
4201 Hwy 97 South  
Klamath Falls OR 97603

Tulelake Irrigation District  
PO Box 699  
Tulelake CA 96134

Randy Walthall  
1200 Stewart Rd  
Sacramento CA 95864

Berlva Pritchard  
PO Box 176  
Days Creek OR 97424

Inter-County Title Company  
PO Box 1048  
Placerville CA 95667  
Donald Vincent

Brad Luscombe  
Rt 1 Box 444  
Tule Lake CA 96134

Phyllis Vincent  
5540 Villa Dr  
Klamath Falls OR 97603

Gary Orem  
19980 Hwy 50  
Merrill OR 97633

Don Buffington  
Winema Hunting Lodge  
14154 Donart Dr  
Poway CA 92064

Ralph Stearns  
PO Box 434  
Merrill OR 97633

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

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

## **ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

## **CLAIM INFORMATION**

2. The claim was filed on April 30, 1997.
3. The claim is for a total of 753,500 acre feet of water stored in Upper Klamath Lake including Agency Lake, and Lake Ewauna, as regulated by Link River Dam and Keno Dam. The claimed use is irrigation and stock (which is included within the quantity

defined in this claim).

4. The claimed period of use is January 1 through December 31.
5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

## **FINDINGS OF FACT**

6. The Department performed a field inspection which did not support the claim.
7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the delivery system.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

Irrigation:

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

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

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

POINT OF DIVERSION LOCATION:

A Canal:	SW ¼ NE ¼, Section 30,	Township 38 South, Range 9 East, W.M.
Reams:	SE ¼ NE ¼, Section 18,	Township 39 South, Range 9 East, W.M.
Pioneer:	NE ¼ NE ¼, Section 34,	Township 39 South, Range 8 East, W.M.
Ady Canal:	NE ¼ NW ¼, Section 15,	Township 40 South, Range 8 East, W.M.

SOURCE: Stored water in Upper Klamath Lake

USE: irrigation

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication

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

Claim No. **324**  
Pre-1909 claim

**Current Claimant(s) of Record:**

Tulelake Irrigation District  
PO Box 699  
Tulelake CA 96134

Randy Walthall  
1200 Stewart Rd  
Sacramento CA 95864

Berlva Pritchard  
PO Box 176  
Days Creek OR 97424

Inter-County Title Company  
PO Box 1048  
Placerville CA 95667  
Donald Vincent

Brad Luscombe  
Rt 1 Box 444  
Tule Lake CA 96134

Phyllis Vincent  
5540 Villa Dr  
Klamath Falls OR 97603

Gary Orem  
19980 Hwy 50  
Merrill OR 97633

Don Buffington  
Winema Hunting Lodge  
14154 Donart Dr  
Poway CA 92064

Ralph Stearns  
PO Box 434  
Merrill OR 97633

The general location of the claimed use is United States Bureau of Reclamation Klamath Project.

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

**ELEMENTS OF A PRE-1909 CLAIM**

1. Elements of a Pre-1909 right are:
  - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
  - b. Completion of works within a reasonable time after commencement of construction or use of water.

## CLAIM INFORMATION

2. The claim was filed on April 30, 1997.
3. The claim is for the storage of 34,000 acre feet in Tule Lake from Klamath River, Link River, Upper Klamath Lake and all tributaries to the Klamath River and the use of that stored water at a rate of 860 cubic feet per second for irrigation and stock (which is included within the quantity defined in this claim).
4. The claimed period of use is January 1 through December 31.
5. The claimed priority dates are: 1868; 1871; 1877; 1878; 9-4-1883; spring 1884; 9-20-1884; 12-13-1884; 5-9-1885; 1-12-1886; 1890; 5-12-1891; 5-14, 15 or 18-1891; 12-10-1891; 12-11-1891; 1892; 1899; 11-30-1903; 6-8-1904; 12-28-1904; 2-18-1905; 5-19-1905; and dated relevant lands were patented.

## FINDINGS OF FACT

6. The Department performed a field inspection which did not support the claim.
7. The claimant failed to provide sufficient information or provided conflicting information making it impossible to calculate the capacity of the storage and delivery system.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

**Irrigation:**

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

(The claimant failed to provide sufficient information to define beneficial use outside of the period March 1 - October 31).

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

SOURCE: Stored water in Tule Lake Sump

AMOUNT ACTUALLY STORED: The claimant failed to provide sufficient information to calculate the capacity of the storage system.

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

PRIORITY DATE: May 19, 1905

USE OF STORED WATER: irrigation

SOURCE: Stored water in Tule Lake Sump

AMOUNT ACTUALLY BENEFICIALLY USED: The claimant failed to provide sufficient information to calculate the capacity of the delivery system.

PLACE OF USE FOR IRRIGATION: The place of use is described as being those acres mapped by the Oregon Water Resources Department as beneficial use within the quarter quarter sections claimed by the Irrigation Districts.

10. For the required Pre-1909 elements the Department finds:
  - a. Use of water, or construction of works for the application of water occurred prior to February 24, 1909.
  - b. Works were completed within a reasonable time after commencement of construction or use of water.

## **CONCLUSION**

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator  
Klamath Basin General Stream Adjudication