

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

Claim No. **226**
Allottee claim

Current Claimant(s) of Record:

Herman Anderson
Anderson, Deborah
PO Box 19
Beatty OR 97621

Original Claimant(s):

Herman Anderson
Deborah Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 9, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 875 acre-feet from points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 95.1 acres, 150.2 acres of practicably irrigable acreage, and 40 head of livestock.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.
8. The existing delivery system has the capacity to deliver 2.72 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: Government Lot 6, NE ¼ NW ¼, Section 15,
Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 96.7 acres and livestock use. This does not include any practicably
irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.42 cubic feet per second,
measured at the point of diversion, for irrigation, and 400 gallons per day for livestock.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NE ¼ NW ¼ 7.0 ACRES IRRIGATION
LOT 4 NW ¼ NW ¼ 20.0 ACRES IRRIGATION
LOT 5 NW ¼ NW ¼ 17.5 ACRES IRRIGATION
LOT 6 NE ¼ NW ¼ 7.4 ACRES IRRIGATION
LOT 11 SE ¼ NW ¼ 1.7 ACRES IRRIGATION
LOT 12 SW ¼ NW ¼ 8.4 ACRES IRRIGATION

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1 NE ¼ NE ¼ 20.0 ACRES IRRIGATION
LOT 2 NW ¼ NE ¼ 12.4 ACRES IRRIGATION
LOT 8 NE ¼ NE ¼ 2.3 ACRES IRRIGATION

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 5 NW ¼ NW ¼ LIVESTOCK
LOT 6 NE ¼ NW ¼ LIVESTOCK
LOT 11 SE ¼ NW ¼ LIVESTOCK
LOT 12 SW ¼ NW ¼ LIVESTOCK

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1 NE ¼ NE ¼ LIVESTOCK
LOT 2 NW ¼ NE ¼ LIVESTOCK
LOT 8 NE ¼ NE ¼ LIVESTOCK

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **227**
Allottee claim

Current Claimant(s) of Record:

Norman Miller Anderson
PO Box 231
Beatty, OR 97621

Original Claimant(s):

Norman Miller Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 126.0 acre-feet from 2 points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 40.7 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **228**
Allottee claim

Current Claimant(s) of Record:

Oscar T. Anderson
5621½ Altamont Drive
Klamath Falls, OR 97603

Original Claimant(s):

Oscar T. Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 72.7 acre-feet from a point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 23.5 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **229**
Allottee claim

Current Claimant(s) of Record:

Rena Anderson
JoDean Anderson Bryant
Oskie Anderson Yasana
5621½ Altamont Drive
Klamath Falls, OR 97603

Original Claimant(s):

Rena Anderson

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 195.1 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 28.8 acres, 20 head of livestock, and 22.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use as claimed.
8. The existing delivery system has the capacity to deliver 0.38 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

limitations described above:

POINT OF DIVERSION LOCATION: Government Lot 6, NE ¼ NW ¼, Section 14, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 28.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.38 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the amount claimed for the irrigation use.

240 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 5	NW ¼ NW ¼	20.0	ACRES IRRIGATION
LOT 6	NE ¼ NW ¼	4.7	ACRES IRRIGATION
LOT 11	SE ¼ NW ¼	0.7	ACRES IRRIGATION
LOT 12	SW ¼ NW ¼	3.4	ACRES IRRIGATION
SECTION 14			
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.			

LOT 6	NE ¼ NW ¼	LIVESTOCK
LOT 11	SE ¼ NW ¼	LIVESTOCK
SECTION 14		
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.		

PRACTICABLY IRRIGABLE ACREAGE

- 11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **230**
Allottee claim

Current Claimant(s) of Record:

Gordon Bettles
HC-30, Box 105A
Chiloquin, OR 97624

Original Claimant(s):

Gordon Bettles

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 4.53 acre-feet from one point of diversion located on Agency Lake, for irrigation of 0.6 acres, 3 head of livestock, and 0.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

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

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: irrigation of 0.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.02 cubic feet per second,

measured at the point of diversion, for irrigation.

30 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NW ¼ 0.6 ACRES IRRIGATION
SE ¼ NW ¼ LIVESTOCK
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **231**
Allottee claim

Current Claimant(s) of Record:

Priscilla Bettles
Bettles Family of Oregon, LTD
HC-30, Box 104
Chiloquin, OR 97624

Original Claimant(s):

Priscilla Bettles

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 94.23 acre-feet from points of diversion located on Williamson

River and Agency Lake, for 3 head of livestock, and 30.4 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found no existing irrigation. The inspection did not mention the presence of stock on the property.
8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: None. The livestock drink directly from Agency Lake.

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 30 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NW ¼ LIVESTOCK
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

10. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

11. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.
12. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **232**
Allottee claim

Current Claimant(s) of Record:

Edward Lalo Case
Cassie Lalo Case
PO Box 124
Chiloquin, OR 97624

Original Claimant(s):

Edward Lalo Case
Cassie Lalo Case

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 242.9 acre-feet from points of diversion located on the Sprague River and a tributary creek and springs, for irrigation of 34.7 acres, 20 head of livestock, and 29.6 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round

for livestock.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. Claimant Cassie Lalo Case is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 34.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.87 cubic feet per second, measured at the point of diversion, for irrigation.

240 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SE ¼ 16.7 ACRES IRRIGATION
SE ¼ SE ¼ 18.0 ACRES IRRIGATION
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

SW ¼ SE ¼ LIVESTOCK
SE ¼ SE ¼ LIVESTOCK
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **233**
Allottee claim

Current Claimant(s) of Record:

Dibbon J. Cook
PO Box 338
Sprague River, OR 97639

Original Claimant(s):

Dibbon J. Cook

The general location of the claimed use is Township 35 South, Range 10 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 708.0 acre-feet from points of diversion located on an unnamed creek in Cook's Canyon, for irrigation of 228.4 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **235**
Allottee claim

Current Claimant(s) of Record:

Joy/Doris Effman
2768 18th Street
Sacramento, CA 95818

Original Claimant(s):

Joy/Doris Effman

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 876.7 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 189.2 acres, stock use for 135 head of cattle, and irrigation of 19.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

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

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **237**
Allottee Claim

Current Claimant(s) of Record:

Josie Foster
PO Box 66
Beatty OR 97621

Original Claimant(s):

Josie Foster

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

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on November 2, 1992.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **238**
Allottee claim

Current Claimant(s) of Record:

Estate of Jesse Francis
c/o Mrs. Hilda Francis
PO Box 213
Chiloquin, OR 97624

Original Claimant(s):

Jesse Francis

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 130.5 acre-feet from points of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 42.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **239**
Allottee Claim

Current Claimant(s) of Record:

Richard Francis
11863 SW Greenburg Rd #20
Tigard OR 97223

Original Claimant(s):

Richard Francis

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

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on November 2, 1992.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **240**
Allottee claim

Current Claimant(s) of Record:

Roberta Garcia
PO Box 282
Chiloquin, OR 97624

Original Claimant(s):

Roberta Garcia

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 7.1 acre-feet from one point of diversion located on Williamson River, tributary to Upper Klamath Lake, for irrigation of 1.8 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **241**
Allottee claim

Current Claimant(s) of Record:

Maryett Gentry
PO Box 552
Chiloquin, OR 97624

Original Claimant(s):

Maryett Gentry

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 83.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 19.0 acres and 35 head of cattle.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round

for livestock.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 19.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.48 cubic feet per second, measured at the point of diversion, for irrigation.

420 gallons per day, measured at the point of diversion, for livestock

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. This is a shorter season than was claimed for the livestock use. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 20 NW ¼ SW ¼ 19.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 4
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **243**
Allottee claim

Current Claimant(s) of Record:

Lloyd Lee Hall
Bonnie Hall
PO Box 514
Fort Klamath, OR 97626

Original Claimant(s):

Lloyd Lee Hall
Bonnie Hall

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 277.2 acre-feet from one point of diversion located on Sprague River, for irrigation of 53.5 acres and for irrigation of 14.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 53.5 acres. This does not include any practicably irrigable acreage.

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

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 32 SW ¼ SE ¼	20.0	ACRES IRRIGATION
LOT 33 SE ¼ SW ¼	6.6	ACRES IRRIGATION
LOT 36 SE ¼ SW ¼	7.9	ACRES IRRIGATION
LOT 37 SW ¼ SE ¼	19.0	ACRES IRRIGATION

SECTION 20

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

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **244**
Allottee claim

Current Claimant(s) of Record:

Marilyn Hall
PO Box 113
Chiloquin, OR 97624

Original Claimant(s):

Marilyn Hall

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 8.6 acre-feet from one point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 0.5 acres, and for irrigation of 2.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing development exists.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. No existing development exists and the elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **245**
Allottee Claim

Current Claimant(s) of Record:

Snake Harrington
Box 131
Chiloquin OR 97624

Original Claimant(s):

Snake Harrington

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

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on August 9, 1991.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **246**
Allottee claim

Current Claimant(s) of Record:

Errol Hatcher
PO Box 564
Chiloquin, OR 97624

Original Claimant(s):

Errol Hatcher

The general location of the claimed use is Township 34 South, Range 8 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 210.2 acre-feet from points of diversion located on Sprague River, for irrigation of 18.4 acres, and 43.7 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

POINT OF DIVERSION LOCATION: NW ¼ SW ¼, Section 24, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 18.4 acres. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.46 cubic feet per second, measured at the point of diversion, for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ SW ¼ 12.6 ACRES IRRIGATION
SE ¼ SW ¼ 5.8 ACRES IRRIGATION
SECTION 24
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **247**
Allottee claim

Current Claimant(s) of Record:

Kathleen Hatcher
Melissa K. Hess
Stephen D. Hess
HC 30, Box 181B
Chiloquin, OR 97624

Original Claimant(s):

Kathleen Hatchaway

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 66.3 acre-feet from points of diversion located on Larkin Creek, tributary to Williamson River, for irrigation of 21.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **248**
Allottee claim

Current Claimant(s) of Record:

Stephen Hess
Melissa Hess
PO Box 111
Beatty, OR 97621

Original Claimant(s):

Stephen Hess
Melissa Hess

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 338.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 75.7 acres, 40 head of cattle, and 4.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 75.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.89 cubic feet per second, measured at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. The period of use for livestock watering is shorter than was claimed. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE ¼ NE ¼ 15.7 ACRES IRRIGATION AND LIVESTOCK
LOT 8 NE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 9 SE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **249**
Allottee claim

Current Claimant(s) of Record:

James Hicks
Hildegard Hicks
PO Box 254
Chiloquin, OR 97624

Original Claimant(s):

James Hicks
Hildegard Hicks

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 660.2 acre-feet from points of diversion located on Williamson River and unnamed tributaries, for irrigation of 9.0 acres, 5 horses, and acres of 200.5 practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No system exists; natural overflow.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

limitations described above:

POINT OF DIVERSION LOCATION: None

SOURCE: unnamed creek, tributary to Williamson River

USE: irrigation of acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.23 cubic feet per second for irrigation.

50 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRES IRRIGATION AND LIVESTOCK
LOT 8 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 6 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 21
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **250**
Allottee claim

Current Claimant(s) of Record:

Leroy Hicks
Representative of Harry Clarkson
PO Box 551
Chiloquin, OR 97624

Original Claimant(s):

Leroy Hicks

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 501.1 acre-feet from one point of diversion located on Sprague River, for irrigation of 21.2 acres, 80 head of cattle, and 131.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 21.2 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.53 cubic feet per second, measured at the point of diversion, for irrigation.

960 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 40 NW ¼ NW ¼ LIVESTOCK
SECTION 30
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 1 NW ¼ NW ¼ LIVESTOCK
LOT 10 NW ¼ NW ¼ LIVESTOCK
SECTION 31
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 5 NW ¼ NW ¼ 10.0 ACRES IRRIGATION AND LIVESTOCK
LOT 12 NW ¼ NW ¼ 9.8 ACRES IRRIGATION AND LIVESTOCK
LOT 13 NW ¼ NW ¼ 1.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

- 11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **251**
Allottee claim

Current Claimant(s) of Record:

Ray Hobbs
Alice Hobbs
HC-30 Box 115-H
Chiloquin, OR 97624

Original Claimant(s):

Jay Hobbs
Alice Hobbs

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 31.6 acre-feet from one point of diversion located on Agency Lake, for irrigation of 7.0 acres.

4. The claimed period of use is March 1 through October 16 for irrigation.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

SOURCE: Agency Lake, tributary to Klamath River

USE: irrigation of 7.0 acres.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.18 cubic feet per second, measured at the point of diversion, for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SW ¼ 7.0 ACRES IRRIGATION
SECTION 6
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is written in black ink and is positioned above the printed name of the signatory.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **252**
Allottee claim

Current Claimant(s) of Record:

Leroy Jackson
1306 Patterson Street
Klamath Falls, OR 97603

Original Claimant(s):

Leroy Jackson, Sr.

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 453.0 acre-feet from one point of diversion located on Spring Creek, for irrigation of 96.0 acres, 50 head of cattle, and 12.3 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

limitations described above:

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

SOURCE: Spring Creek, tributary to Williamson River

USE: irrigation of 96.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.4 cubic feet per second, measured at the point of diversion, for irrigation.

600 gallons per day for livestock. Livestock drink directly from the ditches.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	0.7	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	36.6	ACRES IRRIGATION AND LIVESTOCK
SW ¼ SW ¼	20.4	ACRES IRRIGATION AND LIVESTOCK
SE ¼ SW ¼	9.2	ACRES IRRIGATION AND LIVESTOCK

SECTION 15

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

NE ¼ SE ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
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SECTION 16

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

NE ¼ NW ¼	14.4	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	13.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	1.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 22

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

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is written in black ink and is positioned above the typed name.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **253**
Allottee claim

Current Claimant(s) of Record:

Ramon Jimenez
Peggy Jimenez
PO Box 523
Chiloquin, OR 97624

Original Claimant(s):

Ramon Jimenz
Peggy Jimenz

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 225.4 acre-feet from one point of diversion located on Sprague River, for irrigation of 50.8 acres, 40 head of cattle, and 2.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 50.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.27 cubic feet per second, measured

at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 12 SW ¼ NW ¼ 5.5 ACRES IRRIGATION AND LIVESTOCK
LOT 13 SW ¼ NW ¼ 7.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 3

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

LOT 9 SE ¼ NE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK
LOT 16 SE ¼ NE ¼ 17.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 4

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

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **254**
Allottee Claim

Current Claimant(s) of Record:

Bernice Joe
PO Box 42
Beatty OR 97621

Original Claimant(s):

Bernice Joe

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

FINDINGS OF FACT

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **255**
Allottee claim

Current Claimant(s) of Record:

Jerry A. Parrish
Ernestine S. Kirk
PO Box 181
Beatty, OR 97621

Original Claimant(s):

Jerry Parrish
Ernestine S. Kirk

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 479.5 acre-feet from unnamed creeks and springs, for irrigation of 97.4 acres, and 19.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No delivery system exists. The lands are irrigated by means of natural overflow and sub-irrigation from the unnamed springs.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: No diversion point exists.

SOURCE: unnamed springs

USE: irrigation of 97.4 acres. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.4 cubic feet per second.

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	25.2	ACRES IRRIGATION
SE ¼ SW ¼	17.5	ACRES IRRIGATION
NW ¼ SE ¼	27.1	ACRES IRRIGATION
SW ¼ SE ¼	27.6	ACRES IRRIGATION

SECTION 6

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **256**
Allottee claim

Current Claimant(s) of Record:

Frieda Kirk
11310 Exeter Avenue, NE
Seattle, WA 98125

Original Claimant(s):

Frieda Kirk

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 587.8 acre-feet from 2 points of diversion located on Williamson River, for irrigation of 189.6 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **257**
Allottee claim

Current Claimant(s) of Record:

Jess Kirk, Jr.
General Delivery c/o Postmaster
Beatty, OR 97621

Original Claimant(s):

Jess Kirk, Jr.

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 117.8 acre-feet from one point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 38.0 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **258**
Allottee claim

Current Claimant(s) of Record:

Vina Kirk
Orin Kirk
PO Box 313
Chiloquin, OR 97624

Original Claimant(s):

Vina Kirk

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 653.8 acre-feet from one point of diversion located on Williamson River, for irrigation of 210.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **259**
Allottee claim

Current Claimant(s) of Record:

Kenneth Knight
Estate of Louis Knight
5726 Harlan Drive
Klamath Falls, OR 97603

Original Claimant(s):

Kenneth Knight

The general location of the claimed use is Township 35 South, Range 10 East and Township 35 South, Range 10 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 2870.4 acre-feet from points of diversion located on Williamson River, for irrigation of 610.3 acres, 500 head of cattle, and 77.2 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: Lot 1, NW ¼ NW ¼, Section 19, Township 30 South, Range 10 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 610.3 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 15.26 cubic feet per second, measured at the point of diversion, for irrigation.

6000 gallons per day for livestock.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

SW ¼ SE ¼ 22.4 ACRES IRRIGATION AND LIVESTOCK
SECTION 12
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼ 38.0 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼ 23.2 ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 0.3 ACRES IRRIGATION AND LIVESTOCK
NW ¼ SE ¼ 35.2 ACRES IRRIGATION AND LIVESTOCK
SW ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 15.2 ACRES IRRIGATION AND LIVESTOCK
SECTION 13
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
NE ¼ SE ¼ 40.0 ACRES IRRIGATION AND LIVESTOCK
SE ¼ SE ¼ 39.5 ACRES IRRIGATION AND LIVESTOCK

SECTION 14
TOWNSHIP 30 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NE ¼	37.6	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	1.1	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	37.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 10
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **260**
Allottee claim

Current Claimant(s) of Record:

Stephen Lang
Beverly Lang
HC-30 Box 76-D
Chiloquin, OR 97624

Original Claimant(s):

Stephen Lang
Beverly Lang

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 85.7 acre-feet from one point of diversion located on Sprague River, for irrigation of 19.5 acres, 5 horses, and 24 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 19.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.49 cubic feet per second, measured

at the point of diversion, for irrigation.

338 gallons per day, measured at the point of diversion, for livestock

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. This is a shorter season than was claimed for the livestock use. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 28 SW ¼ SW ¼ 10.0 ACRES IRRIGATION AND LIVESTOCK
LOT 29 SW ¼ SW ¼ 9.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 33
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

- 11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

- 12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
- 13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **261**
Allottee claim

Current Claimant(s) of Record:

Diritha Crume
Box I
Beatty, OR 97621

Original Claimant(s):

Biritha Lerume

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 114.3 acre-feet from one point of diversion located on Sprague River, for irrigation of 36.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **262**
Allottee claim

Current Claimant(s) of Record:

Hazel Monteith
PO Box 424 Weed Road
Fort Klamath, OR 97626

Original Claimant(s):

Hazel Monteith

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 79.6 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 18.0 acres, and livestock use for 50 head of cattle.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

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

CONCLUSION

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

Dated the 4th day of October, 1999.

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. **264**
Allottee claim

Current Claimant(s) of Record:

Gerald Page
Louise Page
PO Box 429
Fort Klamath, OR 97626

James Root
Valerie Root
PO Box 129
Medford, OR 97501

Original Claimant(s):

Gerald Page
Louise Page

The general location of the claimed use is Township 34 South, Range 7.5 East and Township 34 South, Range 7 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 652.5 acre-feet from one point of diversion located on Agency Creek, tributary to Crooked Creek, for irrigation of 144.7 acres, livestock use for 180 head of cattle, and irrigation of 9.2 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. A portion of the lands involved in this claim were sold to James and Valerie Root, non-Indians. The remainder of the lands were retained by Pages.
7. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **265**
Allottee claim

Current Claimant(s) of Record:

Karen Ray
William Ray
HC-30 Box 109
Chiloquin, OR 97624

Original Claimant(s):

Karen Ray
William Ray

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 275.2 acre-feet from one point of diversion located on Agency Lake, for irrigation of 21.7 acres, 85 head of cattle, and irrigation of 58.3 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: Lot 3, NE ¼ NW ¼, Section 7, Township 35 South, Range 7 East, W.M.

SOURCE: Agency Lake, tributary to Upper Klamath Lake

USE: irrigation of 21.7 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.54 cubic feet per second, measured

at the point of diversion, for irrigation.

1020 gallons per day for livestock, measured at the point of diversion.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2 NW ¼ NE ¼ 15.3 ACRES IRRIGATION AND LIVESTOCK
LOT 3 NE ¼ NW ¼ 1.9 ACRES IRRIGATION AND LIVESTOCK
LOT 4 NE ¼ NW ¼ 0.5 ACRES IRRIGATION AND LIVESTOCK
LOT 5 NW ¼ NE ¼ 4.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 7
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The extent of water use has not been established for the existing irrigation and stock use. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **266**
Allottee claim

Current Claimant(s) of Record:

Nancy Ridenour
HC-30 Box 67F
Chiloquin, OR 97624

Original Claimant(s):

Nancy Ridenour

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 155.4 acre-feet from one point of diversion located on Sprague River, for irrigation of 29.5 acres, 40 head of cattle, and 9.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 29.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.74 cubic feet per second, measured

at the point of diversion, for irrigation.

480 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 10 SW ¼ NE ¼ 13.5 ACRES IRRIGATION AND LIVESTOCK
LOT 15 SW ¼ NE ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK
SECTION 32
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **267**
Allottee claim

Current Claimant(s) of Record:

Royce Loving Trust
539 Girard Circle
Medford, OR 97504

Original Claimant(s):

Raymond Royce

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 231.9 acre-feet from points of diversion located on Irving Creek, for irrigation of 34.4 acres, 25 head of cattle, and 26.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 30 South, Range 11 East, W.M.

SOURCE: Irving Creek, tributary to Williamson River

USE: irrigation of 34.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.86 cubic feet per second, measured

at the point of diversion, for irrigation.

300 gallons per day for livestock. Livestock drink from the irrigation ditches and directly from Irving Creek.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NW ¼ SW ¼ 31.2 IRRIGATION AND LIVESTOCK
LOT 4 SW ¼ SW ¼ 3.2 IRRIGATION AND LIVESTOCK
SECTION 19
TOWNSHIP 30 SOUTH, RANGE 11 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **268**
Allottee claim

Current Claimant(s) of Record:

Jennie Sabin
3356 Shasta Way
Klamath Falls, OR 97601

Original Claimant(s):

Jennie Sabin

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 142.2 acre-feet from one point of diversion located on Mill Creek, tributary to Snake Creek, for 25 head of cattle, and 45.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No developed delivery system exists.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists. Livestock have direct access to the creek.

SOURCE: Mill Creek, tributary to Snake Creek

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 300 gallons per day for livestock. Livestock drink directly from Mill Creek.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ LIVESTOCK
SE ¼ SW ¼ LIVESTOCK
SECTION 20
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **269**
Allottee claim

Current Claimant(s) of Record:

Mary Sheppard
HC-30 Box 78-A
Chiloquin, OR 97624

Original Claimant(s):

Mary Sheppard

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 299.4 acre-feet from points of diversion located on Sprague River, for irrigation of 58.8 acres, 9 horses, and 15.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 58.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.47 cubic feet per second, measured

at the point of diversion, for irrigation.

90 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 2	NW ¼ NE ¼	14.1	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	10.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 29

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

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **270**
Allottee claim

Current Claimant(s) of Record:

Gladys Shoulderblade
PO Box 42
Beatty, OR 97621

Original Claimant(s):

Gladys Shoulderblade

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 236.8 acre-feet from points of diversion located on Snake Creek, tributary to Sycan River, for irrigation of 36.1 acres, and 25.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists; natural overflow.

SOURCE: Snake Creek, tributary to Sycan River

USE: irrigation of 36.1 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.9 cubic feet per second, measured at the point of diversion, for irrigation.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼ 36.1 ACRES IRRIGATION
SECTION 26
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **271**
Allottee claim

Current Claimant(s) of Record:

Dell Smith, Jr.
Velda/Lorraine Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Dell Smith, Jr.
Velda/Lorraine Smith

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 648.5 acre-feet from points of diversion located on Whiskey Creek and the Sprague River, for irrigation of 111.5 acres, 86 head of livestock, and 53.7 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 19, Township 36 South, Range 12 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 111.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.79 cubic feet per second, measured at the point of diversion, for irrigation.

1020 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 29	SW ¼ SW ¼	12.5	ACRES IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼	0.1	ACRES IRRIGATION AND LIVESTOCK
SECTION 18			
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.			

	NE ¼ NW ¼	22.3	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ NW ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
	NE ¼ SW ¼	26.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	21.4	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ NW ¼	0.8	ACRES IRRIGATION AND LIVESTOCK
SECTION 19			
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.			

PRACTICABLY IRRIGABLE ACREAGE

- 11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **272**
Allottee claim

Current Claimant(s) of Record:

Angeline Summers
A. Walker Summers, et al.
PO Box 363
Chiloquin, OR 97624

Original Claimant(s):

Angeline Summers

The general location of the claimed use is Township 35 South, Range 8 East and Township 35 South, Range 9 East W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 1,899.7 acre-feet from points of diversion located on Dockney

Flat Creek and Sprague River, for irrigation of 236.8 acres, 246 head of cattle, and 282.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No delivery system exists; overflow.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: No point of diversion exists; overflow

SOURCE: unnamed creek, tributary to Sprague River

USE: irrigation of 236.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 5.92 cubic feet per second, measured at the point of diversion, for irrigation.

2952 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SE ¼	15.5	ACRES IRRIGATION AND IRRIGATION
SW ¼ SE ¼	0.5	ACRES IRRIGATION AND IRRIGATION
SE ¼ SE ¼	35.8	ACRES IRRIGATION AND IRRIGATION

SECTION 13

TOWNSHIP 35 SOUTH, RANGE 8 EAST, W.M.

NE ¼ SE ¼	8.9	ACRES IRRIGATION AND IRRIGATION
NW ¼ SE ¼	1.6	ACRES IRRIGATION AND IRRIGATION
SW ¼ SE ¼	27.0	ACRES IRRIGATION AND IRRIGATION
SE ¼ SE ¼	5.6	ACRES IRRIGATION AND IRRIGATION

SECTION 7

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NE ¼ NW ¼	0.0	LIVESTOCK
NW ¼ NW ¼	0.0	LIVESTOCK
SW ¼ NW ¼	10.5	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	7.9	ACRES IRRIGATION AND LIVESTOCK

SECTION 8

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

NW ¼ NE ¼	18.9	ACRES IRRIGATION AND IRRIGATION
SW ¼ NE ¼	3.7	ACRES IRRIGATION AND IRRIGATION
NE ¼ NW ¼	12.2	ACRES IRRIGATION AND IRRIGATION
SW ¼ NW ¼	14.3	ACRES IRRIGATION AND IRRIGATION
SE ¼ NW ¼	22.2	ACRES IRRIGATION AND IRRIGATION
NE ¼ SW ¼	4.7	ACRES IRRIGATION AND IRRIGATION
LOT 3 NW ¼ SW ¼	34.6	ACRES IRRIGATION AND IRRIGATION
LOT 4 SW ¼ SW ¼	12.9	ACRES IRRIGATION AND IRRIGATION

SECTION 18

TOWNSHIP 35 SOUTH, RANGE 9 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible

to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **273**
Allottee claim

Current Claimant(s) of Record:

Angeline Riddle Tecumseh
502 Delta
Klamath Falls, OR 97601

Original Claimant(s):

Angeline Riddle Tecumseh

The general location of the claimed use is Township 36 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 107.2 acre-feet from points of diversion located on an unnamed creek, tributary to Sprague River, for irrigation of 34.6 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
- a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

8. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

9. The elements for a practicably irrigable acreage right are not established. Therefore, this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **276**
Allottee claim

Current Claimant(s) of Record:

Phyllis Walker
Dale Walker
PO Box 247
Chiloquin, OR 97624

Original Claimant(s):

Dale Walker

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 483.0 acre-feet from one point of diversion located on Williamson River, for irrigation of 70.5 acres, 26 head of cattle, and 57.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. The existing delivery system has the capacity to deliver 1.64 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 9, Township 35 South, Range 7 East, W.M.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: irrigation of 70.5 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.64 cubic feet per second, measured

at the point of diversion, for irrigation. This is less than the quantity claimed.

312 gallons per day for livestock.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	SE ¼ SE ¼	3.3	ACRES IRRIGATION AND LIVESTOCK
LOT 9	SE ¼ NE ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 16	SE ¼ NE ¼	3.4	ACRES IRRIGATION AND LIVESTOCK
LOT 17	NE ¼ SE ¼	4.7	ACRES IRRIGATION AND LIVESTOCK
LOT 24	NE ¼ SE ¼	9.9	ACRES IRRIGATION AND LIVESTOCK
LOT 25	SE ¼ SE ¼	16.2	ACRES IRRIGATION AND LIVESTOCK
LOT 32	SE ¼ SE ¼	11.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 9

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

	SW ¼ NW ¼	2.4	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SW ¼	3.3	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SW ¼	0.4	ACRES IRRIGATION AND LIVESTOCK
LOT 3	SW ¼ NW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ NW ¼	3.5	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ SW ¼	4.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NW ¼ SW ¼	2.1	ACRES IRRIGATION AND LIVESTOCK
LOT 7	SE ¼ SE ¼	0.1	ACRES IRRIGATION AND LIVESTOCK

SECTION 10

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

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

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. **277**
Allottee claim

Current Claimant(s) of Record:

Marlin Wilson
PO Box 311
Sprague River, OR 97639

Original Claimant(s):

Marlin Wilson

The general location of the claimed use is Township 36 South, Range 11 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 368.6 acre-feet from point of diversion located on the Sprague River and an unnamed tributary to the Sprague River, for irrigation of 10.6 acres, 2 horses, 20 head of cattle, and 104.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

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

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

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

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

POINT OF DIVERSION LOCATION: No diversion point; subirrigation

SOURCE: unnamed creek, tributary to Sprague River

USE: irrigation of 10.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.27 cubic feet per second, measured

at the point of diversion, for irrigation.

260 gallons per day for livestock. Livestock drink directly from the source.

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

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 20 NW ¼ SW ¼ 1.0 ACRES IRRIGATION AND LIVESTOCK
LOT 21 NW ¼ SW ¼ 6.9 ACRES IRRIGATION AND LIVESTOCK
LOT 22 NE ¼ SW ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK
LOT 27 SE ¼ SW ¼ 0.1 ACRES IRRIGATION AND LIVESTOCK
LOT 28 SW ¼ SW ¼ 2.5 ACRES IRRIGATION AND LIVESTOCK
SECTION 18
TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

- 11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

- 12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
- 13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **278**
Allottee claim

Current Claimant(s) of Record:

Irwin Weiser
2326 White Avenue
Klamath Falls, OR 97601

Original Claimant(s):

Irwin Weiser

The general location of the claimed use is Township 35 South, Range 12 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 110.9 acre-feet from points of diversion located on Snake Creek, tributary to the Sycan River, for 15 horses, and 35.2 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No delivery system exists; the livestock drink directly from the source.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: No diversion point; livestock drink directly from Snake Creek.

SOURCE: Snake Creek, tributary to Sycan River

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 150 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW ¼ SW ¼ LIVESTOCK
SE ¼ SW ¼ LIVESTOCK
SECTION 26
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **279**
Allottee claim

Current Claimant(s) of Record:

Paul Wilson
HC-30 Box 148
Chiloquin, OR 97624

Original Claimant(s):

Paul Wilson

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 174.8 acre-feet from one point of diversion located on Crooked Creek, tributary to Wood River, for irrigation of 26.2 acres, stock use for 20 head of cattle, and irrigation of 19.9 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

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

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **280**
Allottee claim

Current Claimant(s) of Record:

Harold B. Wright
PO Box 750
Chiloquin, OR 97624

Original Claimant(s):

Harold B. Wright

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 46.0 acre-feet from Williamson River, for 5 horses, and 14.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

6. For the required Allottee elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimant is a Klamath Indian.
 - c. The land is arable.
 - d. The property has not had more than five successive years of non-Indian ownership.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. No delivery system exists; the livestock drink directly from the source.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

POINT OF DIVERSION LOCATION: No diversion point; livestock drink directly from the Williamson River.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 50 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 4 NW ¼ NW ¼ LIVESTOCK
SECTION 3
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **281**
Allottee claim

Current Claimant(s) of Record:

Aaron Smith
Estate of Lavina Lalo Smith
Box 103
Beatty, OR 97621

Original Claimant(s):

Edward Lalo Case
Cassie Lalo Case

The general location of the claimed use is Township 34 & 35 South, Range 8 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on January 31, 1991.
3. The claim is for a total of 161.4 acre-feet from a point of diversion located on Copperfield Creek, tributary to Sprague River, for livestock, and irrigation of 52.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year round for livestock.
5. The claimed priority date is October 14, 1864.

EXISTING DEVELOPMENT

7. The Department performed a field inspection which found the existing use.
8. The cattle have direct access to the creek; no delivery system exists.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

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

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

SOURCE: Copperfield Creek, tributary to Sprague River

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 240 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼ LIVESTOCK
NW ¼ SW ¼ LIVESTOCK
SW ¼ SW ¼ LIVESTOCK
SECTION 34
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. It has not been established that it is both technically possible and economically feasible to develop an irrigation system to serve this land. Additional information requested for determining the feasibility of this project was not received.

CONCLUSION

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **282**
Allottee claim

Current Claimant(s) of Record:

Florence McKee
PO Box 1124
Bend, OR 97701

Original Claimant(s):

Florence McKee

The general location of the claimed use is Township 35 South, Range 10 East, W.M.

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on November 4, 1991.
3. The claim is for a total of 554.0 acre-feet from the Sprague River, tributary to Williamson River, for irrigation of 178.7 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey". The signature is written in black ink and is positioned above the printed name.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **283**
Allottee claim

Current Claimant(s) of Record:

Mary Nan Reyes
24461 Modoc Point Road
Chiloquin, OR 97624

Original Claimant(s):

Mary Nan Reyes

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

1. Elements of a Allottee right with an October 14, 1864 priority date are:
 - a. For developed uses, the claim must be for a water use on land that was formerly part of the Klamath Indian Reservation.
 - b. For practicably irrigable acreage, the future use must be on lands that were formerly part of the Klamath Indian Reservation.
 - c. The claimant must be a Klamath Indian.
 - d. The land must be arable.
 - e. For practicably irrigable acreage, it must be both technically possible and economically feasible to develop an irrigation system to serve the land.
 - f. For practicably irrigable acreage, the right must not have been lost through intervening non-Indian ownership, i.e., out of Indian ownership for more than five consecutive years.

CLAIM INFORMATION

2. The claim was filed on December 27, 1991.
3. The claim is for a total of 7.4 acre-feet from Agency Lake, for irrigation of 2.4 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

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

FINDINGS OF FACT

6. This claim was received after the February 1, 1991 deadline for submitting claims.

CONCLUSION

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "Richard D. Bailey". The signature is written in a cursive style and is positioned above the printed name.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication