

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

Claim No. **591**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 591 was filed on April 30, 1997.
3. The source of water claimed is Annie Creek and its tributaries within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and May 14, 1932, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 14, 1932.
6. The claimed places of use are the main stem of Annie Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the mainstream of Annie Creek beginning at the headwaters of Annie Creek at Annie Springs, near river mile 16, and ending at the point where Annie Creek exits Crater Lake national Park, at approximately river mile 6;

A reach on "Annie-1", an unnamed tributary of Annie Creek, beginning at the headwaters of Annie-1 at approximately 0.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 10.6 on Annie Creek;

A reach on the East Fork of Annie Creek, beginning at the headwaters of the East Fork at approximately 4.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 12 on Annie Creek;

A reach on "Annie-2", an unnamed tributary to the East Fork of Annie Creek, beginning at the headwaters of Annie-2 at approximately 1.0 river miles above its confluence with the East Fork of Annie Creek, and ending at its confluence with the East Fork Annie Creek at approximately 2 river miles above the East Fork confluence with Annie Creek;

A reach on "Annie-3", an unnamed tributary of to the East Fork of Annie Creek, beginning at the headwaters of Annie-3 at approximately 1.8 river miles above its confluence with the East Fork of Annie Creek, and ending at its confluence with the East Fork Annie Creek at approximately 2.2 river miles above the East Fork confluence with Annie Creek;

A reach on "Annie-4", an unnamed tributary of Annie Creek, beginning at the headwaters of Annie-4 at approximately 3.2 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 12 on Annie Creek;

A reach on the Middle Fork of Annie Creek, beginning at the headwaters of the Middle

Fork at approximately 2.6 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 13 on Annie Creek;

A reach on "Annie-5", an unnamed tributary of the Middle Fork of Annie Creek, beginning at the headwaters of Annie-5 at approximately 0.5 river miles above its confluence with the Middle Fork of Annie Creek, and ending at its confluence with the Middle Fork Annie Creek at approximately 1.5 river miles above the Middle Fork confluence with Annie Creek;

A reach on Pole Bridge Creek, beginning at the headwaters of Pole Bridge Creek at approximately 1.8 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

A reach on Munson Creek, beginning at the headwaters of Munson Creek at Munson Springs, approximately 3.8 river miles above the confluence of Munson Creek with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

A reach on "Annie-6", an unnamed tributary to Munson Creek, beginning at the headwaters of Annie-6 at unnamed springs, approximately 0.8 river miles above the confluence of Annie-6 with Munson Creek, and ending at its confluence with Munson Creek at approximately 2.1 river miles above the confluence of Munson Creek with on Annie Creek;

A reach on Goodbye Creek, beginning at the headwaters of Goodbye Creek at approximately 1.3 river miles above its confluence with Annie Creek, and ending at its confluence with Annie Creek at approximately river mile 15 on Annie Creek;

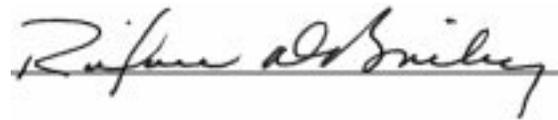
A reach on "Annie-7", an unnamed tributary to Goodbye Creek, beginning at the headwaters of Annie-7 at approximately 1.2 river miles above the confluence with Goodbye Creek, and ending at its confluence with Goodbye Creek at approximately 0.1 river miles above the confluence of Goodbye Creek with on Annie Creek.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of the 1932 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Act of May 14, 1932 (47 Stat. 155).*
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 591 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

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 typed name.

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **592**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 592 was filed on April 30, 1997.
3. The source of water claimed is Bear Creek and its tributaries within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

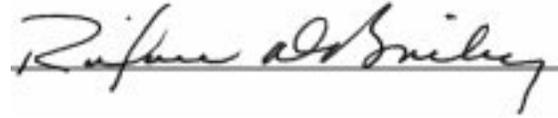
5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.
6. The claimed places of use are the mainstream of Bear Creek beginning at the headwaters of Bear Creek near river mile 4.2, and ending at the point where Bear Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 592 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **593**
NPS claim

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United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 593 was filed on April 30, 1997.
3. The source of water claimed is Crater Lake within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural lake levels in Crater Lake.

5. The claimed priority dates are February 1, 1886 and May 22, 1902.
6. The claimed place of use is Crater Lake, situated within a rectangle with a northwest corner at 43° 00'00" N latitude and 122° 12'30" W longitude, a northeast corner at 43° 00'00" N latitude and 122° 00'00" W longitude, a southeast corner at 42°52'30" N latitude and 122° 00'00" W longitude, and a southwest corner at 42°52'30" N latitude and 122° 12'30" W longitude.
7. The claimed use is for preservation and protection of Crater Lake, including all of its natural and historic objects, wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 593 is APPROVED with a priority date of 1902.

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. **594**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 594 was filed on April 30, 1997.
3. The source of water claimed is Desert Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.
6. The claimed places of use are the mainstream of Desert Creek beginning at the headwaters of Desert Creek at approximately river mile 1.5, and ending at the point where Desert Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 594 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **595**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 595 was filed on April 30, 1997.
3. The source of water claimed is Pothole Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority date is December 19, 1980 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.
6. The claimed places of use are the mainstream of Pothole Creek beginning at the headwaters of Pothole Creek at Pothole Spring, approximately river mile 1.2, and ending at the point where Pothole Creek exits Crater Lake National Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 595 is APPROVED with a priority date of 1980 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of December 19, 1980.

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. **596**
NPS claim

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ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 596 was filed on April 30, 1997.
3. The source of water claimed is Sand Creek and its tributaries within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater

Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.
6. The claimed places of use are the main stem of Sand Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the mainstream of Sand Creek beginning at the headwaters of Sand Creek at approximately river mile 8.7, and ending at the point where Sand Creek exits Crater Lake national Park, defined as river mile 0;

A reach on the Cavern Creek, beginning at the headwaters of Cavern Creek approximately 5.05 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 1 on Sand Creek;

A reach on "Sand-1", an unnamed tributary of Cavern Creek, beginning at the point where Sand-1 enters the park at approximately 0.7 river miles above its confluence with Cavern Creek, and ending at its confluence with Cavern Creek at approximately 1.5 river miles above the confluence of Cavern Creek with Sand Creek;

A reach on Wheeler Creek, beginning at the headwaters of Wheeler Creek approximately 6.2 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 1.5 on Sand Creek;

A reach on Lost Creek, beginning at the headwaters of Lost Creek approximately 0.8 river miles above its confluence with Wheeler Creek, and ending at its confluence with Wheeler Creek at approximately 2.8 river miles above the confluence of Wheeler Creek with Sand Creek;

A reach on "Sand-2", an unnamed tributary of Sand Creek, beginning at the headwaters of Sand-2 at approximately 2.4 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 4.5 on Sand Creek;

A reach on "Sand-3", an unnamed tributary of Sand Creek, beginning at the headwaters of Sand-3 at approximately 0.7 river miles above its confluence with Sand Creek, and ending at its confluence with Sand Creek at approximately river mile 7 on Sand Creek.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 596 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
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CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 597 was filed on April 30, 1997.
3. The source of water claimed is Scott Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority date is May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 19, 1980, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of December 19, 1980.
6. The claimed places of use are the mainstream of Scott Creek beginning at the headwaters of Scott Creek at approximately river mile 0.6, and ending at the point where Scott Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 597 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of May 22, 1902, and with a priority date of December 19, 1980 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Act of December 19, 1980.

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

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Claim No. **598**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 598 was filed on April 30, 1997.
3. The source of water claimed is Silent Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886, and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.
6. The claimed places of use are the mainstream of Silent Creek beginning at the headwaters of Silent Creek at approximately river mile 2.2 and ending at the point where Silent Creek exits Crater Lake national Park, defined as river mile 0, within the boundaries of Crater Lake National Park, located within the Klamath Basin.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority dates.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 598 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

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. **599**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 599 was filed on April 30, 1997.
3. The source of water claimed is Sun Creek and its tributaries within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886; May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902; and December 5, 1940, for any stream reach(es) or segment of any stream reach(es) on lands acquired on December 5, 1940.
6. The claimed places of use are the main stem of Sun Creek and its tributaries within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the main stem of Sun Creek, beginning at the headwaters of Sun Creek at approximately river mile 8.6, and ending at the point where it exists Crater Lake National Park, defined as river mile 0.

A reach on Vidae Creek, tributary to Sun Creek, beginning at the headwaters of Vidae Creek at approximately 0.7 river miles above its confluence with Sun Creek, and ending at its confluence with Sun Creek at approximately river mile 7 on Sun Creek.
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 599 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and with a priority date of the date of

acquisition for any lands acquired after May 22, 1902.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **600**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 600 was filed on April 30, 1997.
3. The source of water claimed is Unnamed Creek (near Annie Creek) and its tributaries within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.

5. The claimed priority dates are February 1, 1886 for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Executive Order of February 1, 1886, and May 22, 1902, for any stream reach(es) or segment of any stream reach(es) on reserved lands as described in the Act of May 22, 1902.
6. The claimed places of use are the main stem of Unnamed Creek (near Annie Creek) within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the mainstream of Unnamed Creek (near Annie Creek) beginning at the headwaters of Unnamed Creek (near Annie Creek) at approximately river mile 3.1, and ending at the point where Unnamed Creek (near Annie Creek) exits Crater Lake national Park, defined as river mile 0 .
7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.

11. Claim 600 is APPROVED with a priority date of 1902 for any stream reach(es) or segment of any stream reach(es) on those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

Dated the 4th day of October, 1999.

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

Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **601**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

This preliminary evaluation takes into consideration all information available as of August 24, 1999.

ELEMENTS OF AN INSTREAM USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 601 was filed on April 30, 1997.
3. The source of water claimed is Unnamed Creek (in the northeast corner of the Park) within the boundary of Crater Lake National Park.
4. The quantity of water claimed is all natural flow less those amounts needed for Crater Lake National Park out-of-stream uses.
5. The claimed priority date is December 18, 1980.

6. The claimed places of use are the main stem of Unnamed Creek (in the northeast corner of the Park) within the boundaries of Crater Lake National Park, located within the Klamath Basin, more particularly defined as follows:

A reach on the mainstream of Unnamed Creek (in the northeast corner of the Park) beginning at the headwaters of Unnamed Creek at approximately river mile 2.2, and ending at the point where Unnamed Creek exits Crater Lake national Park, defined as river mile 0.

7. The claimed use is for preservation and protection of all natural and historic objects, timber and wildlife, and conservation of scenery.

CONCLUSIONS

8. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an implied reservation of water for park purposes. *Act of May 22, 1902 (32 Stat. 202)*
9. Lands added to the Crater Lake National Park as a result of later Acts have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date.
10. As of the date of this determination, the claimant has made a *prima facie* demonstration that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further made a *prima facie* demonstration that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 601 is APPROVED with a priority date of December 19, 1980.

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. **602**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 602 was filed on April 30, 1997.
3. The source of water claimed is Annie Creek and its tributaries within the boundary of Crater Lake National Park.
- 4.. The quantity of water claimed is 0.34 cfs, or 63.2 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs, or 535,000 gallons of storage with continual refill, for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, May 22, 1902, and May 14, 1932.
7. The claimed places of use are:

For existing uses: SE 1/4 SE 1/4 Section 13, T31S, R5E, W.M.
South 1/2 Section 5, T31S, R6E, W.M.
NW 1/4 NE 1/4 Section 8, T31S, R6E, W.M.
SE 1/4 Section 8, T31S, R6E, W.M.
SW 1/4 SW 1/4 Section 9, T31S, R6E, W.M.
NE 1/4 Section 17, T31S, R6E, W.M.
SW 1/4 Section 19, T31S, R6E, W.M.
North 1/2 Section 30, T31S, R6E, W.M.

For future uses: anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin.

8. The claimed points of diversion are:

For existing uses, within the NE 1/4 SE 1/4 of Section 13, T31S, R5E, W.M., as projected within the 1988 USGS quadrangle map "Crater Lake National Park and Vicinity."

For future uses, any points along Annie Creek or its tributaries within Crater Lake National Park.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. The 1916 Act creating the National Park Service clarified that purposes under the 1902 Act include recreation, scenic, wildlife protection and administrative and domestic uses needed for associated park facilities, but made no additional reservation of water, express or implied. *Act of August 25, 1916 (39 Stat. 535)*

11. Lands added to the Crater Lake National Park as a result of the 1932 and 1980 Acts and the December 5, 1940 acquisition from C.C. Yawkey, *et. al.*, have implied reservations of water for the same purposes as the 1902 Act lands but with the later respective priority dates. *Act of May 14, 1932 (47 Stat. 155); Act of December 18, 1980 (94 Stat. 3255)*, Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940.
12. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
13. Claim 602 for domestic, administrative, wildlife and fire prevention 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. **603**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 603 was filed on April 30, 1997.
3. The source of water claimed is Bear Creek within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.
5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 19, 1980.
7. The claimed places of use are “anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Bear Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters at approximately river mile 4.2 and ending at the point where Bear Creek exits Crater Lake National Park.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255).*
11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 603 for domestic, administrative, wildlife and fire prevention 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. **604**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 604 was filed on April 30, 1997.
3. The source of water claimed is Desert Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, and May 22, 1902.
7. The claimed places of use are “anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Desert Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters at approximately river mile 1.5 and ending at the point where Desert Creek exits Crater Lake National Park, defined as river mile 0.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 604 for domestic, administrative, wildlife and fire prevention 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. **605**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 603 was filed on April 30, 1997.
3. The source of water claimed is Pothole Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority date is December 19, 1980.
7. The claimed places of use are “anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Pothole Creek within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon, State Water Resources Board, 1971, within the current Park boundary, further described as within a reach beginning at the headwaters (Pothole Spring) at approximately river mile 1.2 and ending at the point where Pothole Creek exits Crater Lake National Park, defined as river mile 0.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. Lands added to the Crater Lake National Park as a result of the 1980 Act have implied reservations of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255)*.
11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes those uses. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 605 for domestic, administrative, wildlife and fire prevention 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. **606**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 606 was filed on April 30, 1997.
3. The source of water claimed is Sand Creek and its tributaries within the boundary of Crater Lake National Park.

4. The quantity of water claimed is 0.06 cfs, or 0.95 acre feet, for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.
5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 18, 1980.
7. The claimed places of use are the Lost Creek Campground and “anywhere in Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon,” State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are within the NE 1/4 SW 1/4 Section 18, Township 31 South, Range 7.5 East, W.M., and any points along Sand Creek or its tributaries within Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, “Klamath Drainage Basin, Oregon,” State Water Resources Board, 1971, within the current Park boundary, further described as within reaches beginning at the headwaters of Sand Creek and its tributaries and ending at the point where Sand Creek exits Crater Lake National Park or where its tributaries are in confluence with Sand Creek or its tributaries.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority. *Act of December 18, 1980 (94 Stat. 3255)*.
11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

12. Claim 606 for domestic, administrative, wildlife and fire prevention 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. **607**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 607 was filed on April 30, 1997.
3. The source of water claimed is Scott Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are May 22, 1902, and December 19, 1980.
7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Scott Creek within the current Park boundary, from its headwaters at approximately 0.6 river miles to the point where it exits Crater Lake National Park, within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later respective priority date. *Act of December 18, 1980 (94 Stat. 3255)*.
11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
12. Claim 607 for domestic, administrative, wildlife and fire prevention 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. **608**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 608 was filed on April 30, 1997.
3. The source of water claimed is Silent Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, and May 22, 1902.
7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Silent Creek within the current Park boundary, from its headwaters at approximately river mile 2.2 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 608 for domestic, administrative, wildlife and fire prevention 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. **609**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 609 was filed on April 30, 1997.
3. The source of water claimed is Sun Creek and its tributary Vidae Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886, May 22, 1902, and December 5, 1940.
7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along Sun Creek within the current Park boundary, from its headwaters at approximately river mile 8.6 mile to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.
9. The claimed points of diversion are any points along Vidae Creek within the current Park boundary, from its headwaters at approximately river mile 0.7 to its confluence with Sun Creek, near river mile 7 on Sun Creek, within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

10. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
11. Lands added to the Crater Lake National Park as a result of the December 5, 1940 acquisition from C.C. Yawkey, *et. al.*, have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Acquisition of land from C.C. Yawkey, et. al. December 5, 1940.*
12. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.

13. Claim 609 for domestic, administrative, wildlife and fire prevention 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. **610**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 610 was filed on April 30, 1997.
3. The source of water claimed is an unnamed creek near Annie Creek within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority dates are February 1, 1886 and May 22, 1902.
7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along the unnamed creek near Annie Creek within the current Park boundary, from its headwaters at approximately river mile 3.1 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
11. Claim 610 for domestic, administrative, wildlife and fire prevention 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. **611**
NPS claim

Current Claimant(s) of Record:

United States of America,
National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

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

ELEMENTS OF A CONSUMPTIVE USE CLAIM FOR NATIONAL PARK PURPOSES

1. Claims for an implied reservation of water for domestic, administrative, wildlife and/or fire protection purposes with a priority of the date of reservation of lands as a National Park under the Act of May 22, 1902 (32 Stat. 202), the Act of May 14, 1932 (47 Stat. 155), the Act of December 18, 1980 (94 Stat. 3255) and the Act of September 8, 1982 (96 Stat. 709), and the Acquisition of land from C.C. Yawkey, *et. al.* December 5, 1940, are proper if the United States demonstrates as a factual matter:
 - a. That the amount requested is the minimum quantity of water necessary to fulfill the primary purposes of the reservation; (*U.S. v. N.M.; Cappaert*) and
 - b. That without the water as claimed, the purposes of the reservation would be defeated (*U.S. v. N.M.*).

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976).

CLAIM INFORMATION / FINDINGS OF FACT

2. Claim 611 was filed on April 30, 1997.
3. The source of water claimed is an unnamed creek in the northeast corner of the Park, within the boundary of Crater Lake National Park.
4. The quantity of water claimed is 0.1 acre foot for domestic, administrative and wildlife watering, and 1.0 cfs for fire protection.

5. The claimed period of use is January 1 through December 31 of each year.
6. The claimed priority date is December 19, 1980.
7. The claimed places of use are anywhere within the current boundaries of the Crater Lake National Park within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, within the current Park boundary.
8. The claimed points of diversion are any points along the unnamed creek within the current Park boundary, from its headwaters at approximately river mile 2.2 to the point where it exits Crater Lake National Park (river mile 0), within the Klamath basin as shown on Map No. 14.6, "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971.

CONCLUSIONS

9. The primary purposes of the Crater Lake National Park in its establishment in 1902 were for the preservation of the natural objects within the park, and for protection of timber from wanton depredation, preservation of all kinds of game and fish, and prevention and extinguishment of forest fires. The 1902 Act included an express reservation of water for fire protection and suppression and an implied reservation for domestic and administrative uses needed for associated park facilities. *Act of May 22, 1902 (32 Stat. 202)*
10. Lands added to the Crater Lake National Park as a result of the 1980 Act have an implied reservation of water for the same purposes as the 1902 Act lands but with the later priority date. *Act of December 18, 1980 (94 Stat. 3255)*.
11. As of the date of this determination, the claimant has failed to demonstrate that the amount requested is the minimum amount necessary to preserve Park purposes as set out in the 1902 Act. The claimant has further failed to provide evidence that would permit a determination that without the amount of water requested, the purposes of the reservation would be entirely defeated.
12. Claim 611 for domestic, administrative, wildlife and fire prevention is DENIED.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

