BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of MODOC POINT IRRIGATION DISTRICT	))))	PARTIAL ORDER OF DETERMINATION Water Right Claim 84

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT

1. On January 29, 1991, MODOC POINT IRRIGATION DISTRICT (Claimant) timely submitted a Statement and Proof of Claim (Claim 84) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as a non-Indian successor to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.

2. Claim 84 was submitted for a total of 130.5 cfs of water from the Sprague River, a tributary of the Williamson River, being 129.5 cfs for irrigation of 5431.4 acres and 1.0 cfs for livestock watering. The claimed period of use is year-round for livestock watering, and April 15 through November 1 for irrigation. The claimed priority date is October 14, 1864.

3. NEAL G. BUCHANAN on behalf of MODOC POINT IRRIGATION DISTRICT signed Claim 84 attesting that the information contained in the claim is true.

4. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the claim for livestock watering and irrigation was approved, but for a smaller quantity of water than claimed and with a longer irrigation season than claimed.

5. On May 8, 2000, the Claimant timely filed Contest 3278 to the Preliminary Evaluation of Claim 84.

6. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3473: Klamath Irrigation District, Klamath

Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co.[1], Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard[2], Don Vincent[3], Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

7. On May 8, 2000, the United States of America timely filed Contest 3745 to the Claim and/or Preliminary Evaluation of Claim 84.

8. On May 8, 2000, the Klamath Tribes timely filed Contest 4129 to the Claim and/or Preliminary Evaluation of Claim 84.

9. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2839 to the Claim and/or Preliminary Evaluation of Claim 84.

10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 209.

11. On October 15, 2003, Claim 84 was consolidated with Claims 241, 243, 248, 250, 253, 260, 266, 269, 682, 688, 700, 702, 705 and 706 into Case 209. These 14 claims are partially or fully coextensive with the Modoc Point Irrigation District's claimed place of use in Claim 84, or may involve the delivery of water through District facilities serving lands appurtenant to the claims. *See* ORDER GRANTING MOTION TO CONSOLIDATE (Oct. 15, 2003).

12. On May 20, 2003, WaterWatch's Contest 2839 was dismissed. *See* ORDER DISMISSING WATERWATCH OF OREGON INC.'S CONTESTS NOS. 2820, *ET AL.* (May 20, 2003).

13. On December 1, 2006, the Claimant timely submitted an amendment to Claim 84 for additional and relocated points of diversion. *See* AFFIDAVIT AND REQUEST FOR ADDITIONAL OR RELOCATED POINTS(S) OF DIVERSION (Dec. 1, 2006).

14. No contests or claims of injury were filed to the Claimant's December 4, 2006 request for additional or relocated points of diversion on or prior to the filing deadline of February 21, 2007.

15. On November 19, 2007, the Klamath Project Water Users withdrew Contest 3473. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3473 (Nov. 19, 2007).

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[1] Klamath Hills District Improvement Company voluntarily withdrew from Contest 3473 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

[2] Berlva Pritchard voluntarily withdrew from Contest 3473 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

[3] Don Vincent voluntarily withdrew from Contest 3473 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

16. On November 21, 2007, the Claimant, OWRD, the United States of America, and the Klamath Tribes executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contests to Claim 84.

17. On November 21, 2007, the Adjudicator withdrew Case 209 from the Office of Administrative Hearings.

18. On May 20, 2008, the Claimant, OWRD, the United States of America, and the Klamath Tribes executed an addendum to the Settlement Agreement for the sole purpose of the inclusion of an additional 28.8 acres to the total allocation allowed for irrigation. *See* ADDENDUM TO STIPULATION TO RESOLVE CONTESTS (Settlement Agreement Addendum).

19. The Claimant submitted to OWRD documents necessary to fulfill requirements in the Settlement Agreement (Paragraph B.1.a.i), being a final settlement map and place of use listing, which were added to the record on November 26, 2008.

B. DETERMINATION

1. The Settlement Agreement and Settlement Agreement Addendum executed between the Claimants, OWRD, the United States of America, and the Klamath Tribes are both adopted and incorporated as if set forth fully herein.

2. The elements of a Walton claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS is incorporated as if set forth fully herein.

3. The Claimant's timely amendment, made on December 4, 2006, pertaining to additional or relocated points of diversion meets the requirements of OAR 690-030-0085, and the amendment is incorporated into the Claimant's claim.

4. The following seven additional points of diversion are approved:

    a. POD 2, located within LOT 20, SENW, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 28 DEGREES 27 MINUTES 11 SECONDS WEST, 8663.7 FEET FROM NE CORNER, SECTION 16.

    b. POD 3, located within LOT 16, SWNW, SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 52 DEGREES 36 MINUTES 46 SECONDS WEST, 12140.3 FEET FROM NE CORNER, SECTION 16.

    c. POD 4, located within LOT 21, NESE, SECTION 19, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 51 DEGREES 44 MINUTES 29 SECONDS WEST, 14001.4 FEET FROM NE CORNER, SECTION 16.

    d. POD 5, located within LOT 24, SESE, SECTION 19, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 49 DEGREES 13 MINUTES 16 DEGREES WEST, 14397.4 FEET FROM NE CORNER, SECTION 16.

e. POD 6, located within LOT 34, SWSW, SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 48 DEGREES 48 MINUTES 4 SECONDS WEST, 14449.4 FEET FROM NE CORNER, SECTION 16.

f. POD 7, located within LOT 34, SWSW, SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 48 DEGREES 24 MINUTES 13 SECONDS WEST, 14504.4 FEET FROM NE CORNER, SECTION 16.

g. POD 8, located within LOT 9, NWNE, SECTION 31, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 37 DEGREES 52 MINUTES 36 SECONDS WEST, 21595.0 FEET FROM NE CORNER, SECTION 16.

5. The following four relocated points of diversion are approved:

a. POD 9, located within LOT 14, SENW, SECTION 3, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at NORTH 14 DEGREES 8 MINUTES 10 SECONDS EAST, 9134.2 FEET FROM SW CORNER, SECTION 10.

b. POD 10, located within LOT 15, SWSW, SECTION 10, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at NORTH 13 DEGREES 36 MINUTES 21 SECONDS EAST, 1285.3 FEET FROM SW CORNER, SECTION 10.

c. POD 11, located within LOT 20, SENE, SECTION 16, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 22 DEGREES 6 MINUTES 1 SECOND WEST, 2183.2 FEET FROM NE CORNER, SECTION 16.

d. POD 12, located within LOT 10, NENE, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at SOUTH 12 DEGREES 17 MINUTES 15 SECONDS WEST, 6386.2 FEET FROM NE CORNER, SECTION 16.

6. The diversion of water from the original point of diversion at the Chiloquin Dam (CHILOQUIN DAM POD) on the Sprague River, located within the SESE, SECTION 3, TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M., at 125 FEET EAST FROM NW CORNER, SESE, SECTION 3, is no longer authorized; removal of the Chiloquin Dam was completed on August 21, 2008.

7. The combined quantity of water diverted at each of the seven additional and four relocated points of diversion (PODS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12) must not exceed the quantity of water lawfully available at the original point of diversion at the Chiloquin Dam on the Sprague River.

8. Because there is no evidence on the record to the contrary, the standard rate of 12 gallons of water per head of livestock per day, measured at the place of use, as outlined in the GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION will apply; the livestock watering is limited to a combined total of 53,860 head. Diversion of stock water to the place of use is limited to that which has been historically diverted for beneficial use and is reasonably necessary to transport the water and to prevent the watercourse from being completely frozen when transporting water November 1 through April 14.

9. Because there is no evidence on the record to the contrary, the standard rate for irrigation, being 1/40 of one cubic foot per second per acre as outlined in the GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION will apply.

10. Based on the file and record herein, IT IS ORDERED that Claim 84 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 84
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE:
CLAIM # 84 SETTLEMENT MAPS (Nov. 20, 2008) – T 35 S, R 7 E and T 36 S, R 7 E

CLAIMANT: MODOC POINT IRRIGATION DISTRICT
24444 MODOC POINT RD
CHILOQUIN OR 97624

SOURCES OF WATER:
The SPRAGUE RIVER, tributary to the WILLIAMSON RIVER, and
The WILLIAMSON RIVER, tributary to UPPER KLAMATH LAKE

PURPOSE OR USE:
IRRIGATION OF 4,272.68 ACRES WITH INCIDENTAL LIVESTOCK WATERING UP TO 53,860 HEAD DURING THE IRRIGATION SEASON; AND

LIVESTOCK WATERING OF UP TO 53,860 HEAD NOVEMBER 1 THROUGH APRIL 15.

RATE OF USE:
68.12 CUBIC FEET PER SECOND (CFS) , IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION AT THE CHILOQUIN DAM, FROM ELEVEN POINTS OF DIVERSION, BEING 68.12 CFS FOR IRRIGATION WITH INCIDENTAL LIVESTOCK WATERING AND 1.0 CFS FOR LIVESTOCK WATERING AS FOLLOWS:

IRRIGATION WITH INCIDENTAL LIVESTOCK WATERING – 68.12 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINTS OF DIVERSION, BEING 0.42 CFS FROM THE SPRAGUE RIVER FROM POD 9, AND 67.70 CFS FROM THE WILLIAMSON RIVER FROM PODS 2, 3, 4, 5, 6, 7, 8, 10, 11, AND 12 AS FOLLOWS:

2.69 CFS FROM POD 2 FOR IRRIGATION OF 102.6 ACRES
0.02 CFS FROM POD 3 FOR IRRIGATION OF 0.8 ACRES
0.99 CFS FROM POD 4 FOR IRRIGATION OF 39.7 ACRES
0.01 CFS FROM POD 5 FOR IRRIGATION OF 0.2 ACRES
0.01 CFS FROM POD 6 FOR IRRIGATION OF 0.4 ACRES
0.01 CFS FROM POD 7 FOR IRRIGATION OF 0.4 ACRES
1.22 CFS FROM POD 8 FOR IRRIGATION OF 48.66 ACRES
0.42 CFS FROM POD 9 FOR IRRIGATION OF 16.6 ACRES
0.60 CFS FROM POD 10 FOR IRRIGATION OF 21.8 ACRES
0.29 CFS FROM POD 11 FOR IRRIGATION OF 11.7 ACRES
61.86 CFS FROM POD 12 FOR IRRIGATION OF 4029.82 ACRES

LIVESTOCK WATERING NOVEMBER 1 THROUGH APRIL 15 – 1.0 CFS MEASURED AT THE PLACE OF USE, FROM ANY ONE OR ANY COMBINATION OF PODS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND/OR 12.

DIVERSION OF STOCK WATER TO THE PLACE OF USE IS LIMITED TO THAT WHICH HAS BEEN HISTORICALLY DIVERTED FOR BENEFICIAL USE AND IS REASONABLY NECESSARY TO TRANSPORT THE WATER AND TO PREVENT THE WATERCOURSE FROM BEING COMPLETELY FROZEN WHEN TRANSPORTING WATER NOVEMBER 1 THROUGH APRIL 15.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/40 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

DUTY:

NOT TO EXCEED 10,478 ACRE-FEET DURING THE IRRIGATION SEASON OF EACH YEAR.

PERIOD OF ALLOWED USE:

Use	Period
Irrigation with Incidental Livestock Watering	April 15 - November 1
Livestock Watering	November 1 - April 15

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

ORIGINAL POINT OF DIVERSION AT THE CHILOQUIN DAM

POD Name	Source	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
CHILOQUIN DAM POD	Sprague River	35 S	7 E	WM	3	SE SE	21	125 FEET EAST FROM NW CORNER, SESE, SECTION 3

ADDITIONAL AND RELOCATED POINTS OF DIVERSION

POD Name	Source	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
POD 2	Williamson River	35 S	7 E	WM	21	SE NW	20	SOUTH 28 DEGREES 27 MINUTES 11 SECONDS WEST, 8663.7 FEET FROM NE CORNER, SECTION 16
POD 3	Williamson River	35 S	7 E	WM	20	SW NW	16	SOUTH 52 DEGREES 36 MINUTES 46 SECONDS WEST, 12140.3 FEET FROM NE CORNER, SECTION 16
POD 4	Williamson River	35 S	7 E	WM	19	NE SE	21	SOUTH 51 DEGREES 44 MINUTES 29 SECONDS WEST, 14001.4 FEET FROM NE CORNER, SECTION 16
POD 5	Williamson River	35 S	7 E	WM	19	SE SE	24	SOUTH 49 DEGREES 13 MINUTES 16 DEGREES WEST, 14397.4 FEET FROM NE CORNER, SECTION 16

ADDITIONAL AND RELOCATED POINTS OF DIVERSION								
POD Name	Source	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
POD 6	Williamson River	35 S	7 E	WM	20	SW SW	34	SOUTH 48 DEGREES 48 MINUTES 4 SECONDS WEST, 14449.4 FEET FROM NE CORNER, SECTION 16
POD 7	Williamson River	35 S	7 E	WM	20	SW SW	34	SOUTH 48 DEGREES 24 MINUTES 13 SECONDS WEST, 14504.4 FEET FROM NE CORNER, SECTION 16
POD 8	Williamson River	35 S	7 E	WM	31	NW NE	9	SOUTH 37 DEGREES 52 MINUTES 36 SECONDS WEST, 21595.0 FEET FROM NE CORNER, SECTION 16
POD 9	Sprague River	35 S	7 E	WM	3	SE NW	14	NORTH 14 DEGREES 8 MINUTES 10 SECONDS EAST, 9134.2 FEET FROM SW CORNER, SECTION 10
POD 10	Williamson River	35 S	7 E	WM	10	SW SW	15	NORTH 13 DEGREES 36 MINUTES 21 SECONDS EAST, 1285.3 FEET FROM SW CORNER, SECTION 10
POD 11	Williamson River	35 S	7 E	WM	16	SE NE	20	SOUTH 22 DEGREES 6 MINUTES 1 SECOND WEST, 2183.2 FEET FROM NE CORNER, SECTION 16
POD 12	Williamson River	35 S	7 E	WM	21	NE NE	10	SOUTH 12 DEGREES 17 MINUTES 15 SECONDS WEST, 6386.2 FEET FROM NE CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
35 S	7 E	WM	21	SW NW	18	3.6	POD 2
35 S	7 E	WM	21	SE NW	20	8.4	
35 S	7 E	WM	21	NE SW	26	15.0	
35 S	7 E	WM	21	NE SW	29	19.0	
35 S	7 E	WM	21	NW SW	27	8.3	
35 S	7 E	WM	21	NW SW	28	8.3	
35 S	7 E	WM	21	SE SW	34	20.0	
35 S	7 E	WM	21	SE SW	37	20.0	
35 S	7 E	WM	20	SW NW	16	0.8	POD 3
35 S	7 E	WM	20	SW NW	16	4.0	POD 4
35 S	7 E	WM	20	NW SW	27	12.4	
35 S	7 E	WM	20	NW SW	25	12.4	
35 S	7 E	WM	20	SW SW	34	10.9	
35 S	7 E	WM	20	SW SW	34	0.2	POD 5
35 S	7 E	WM	20	SW SW	34	0.4	POD 6
35 S	7 E	WM	20	SW SW	34	0.4	POD 7

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
35 S	7 E	WM	31	NW NE	9	13.46	POD 8
35 S	7 E	WM	31	SE NE	11	19.7	
35 S	7 E	WM	31	SE NE	20	15.5	
35 S	7 E	WM	3	SW NE	15	4.5	POD 9
35 S	7 E	WM	3	NW NW	13	2.2	
35 S	7 E	WM	3	SE NW	14	3.3	
35 S	7 E	WM	3	NW SE	20	4.6	
35 S	7 E	WM	4	NE NE	9	2.0	
35 S	7 E	WM	9	SE SE	33	2.5	POD 10
35 S	7 E	WM	10	SW SW	15	9.7	
35 S	7 E	WM	15	NW NW	12	2.7	
35 S	7 E	WM	16	NE NE	1	4.9	
35 S	7 E	WM	16	NE NE	10	2.0	
35 S	7 E	WM	16	SE NE	20	6.3	POD 11
35 S	7 E	WM	16	NE SE	21	5.4	
35 S	7 E	WM	20	SE SW	33	6.6	POD 12
35 S	7 E	WM	20	SE SW	36	7.9	
35 S	7 E	WM	20	NE SE	30	19.1	
35 S	7 E	WM	20	NE SE	22	13.3	
35 S	7 E	WM	20	SW SE	32	20.0	
35 S	7 E	WM	20	SW SE	37	19.0	
35 S	7 E	WM	20	SE SE	31	19.5	
35 S	7 E	WM	20	SE SE	38	18.0	
35 S	7 E	WM	21	NE NE	10	5.7	
35 S	7 E	WM	21	NW NE	11	0.4	
35 S	7 E	WM	21	SW NE	13	5.5	
35 S	7 E	WM	21	SW NE	22	6.0	
35 S	7 E	WM	21	SE NE	12	3.9	
35 S	7 E	WM	21	SE NE	23	0.4	
35 S	7 E	WM	21	NW SW	27	7.0	
35 S	7 E	WM	21	NW SW	28	10.0	
35 S	7 E	WM	21	SW SW	35	14.4	
35 S	7 E	WM	21	SW SW	36	18.5	
35 S	7 E	WM	28	NE NW	3	10.0	
35 S	7 E	WM	28	NW NW	4	12.9	
35 S	7 E	WM	28	NW NW	5	19.8	
35 S	7 E	WM	28	SW NW	6	20.0	
35 S	7 E	WM	28	SW NW	12	20.0	
35 S	7 E	WM	28	SW NW	13	20.0	
35 S	7 E	WM	28	SE NW	11	20.0	
35 S	7 E	WM	28	SE NW	14	20.0	
35 S	7 E	WM	28	NE SW	19	19.2	
35 S	7 E	WM	28	NE SW	22	19.3	
35 S	7 E	WM	28	NW SW	20	19.5	
35 S	7 E	WM	28	NW SW	21	19.5	
35 S	7 E	WM	28	SW SW	29	18.8	
35 S	7 E	WM	28	SW SW	28	12.6	

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
35 S	7 E	WM	28	SE SW	30	20.0	
35 S	7 E	WM	28	SE SW	27	18.0	
35 S	7 E	WM	28	NW SE	23	19.3	
35 S	7 E	WM	28	NW SE	18	17.0	
35 S	7 E	WM	28	SW SE	26	17.9	
35 S	7 E	WM	28	SW SE	31	20.0	
35 S	7 E	WM	29	NE NE	8	17.2	
35 S	7 E	WM	29	NE NE	1	19.0	
35 S	7 E	WM	29	SW NE	10	20.0	
35 S	7 E	WM	29	SW NE	15	18.5	
35 S	7 E	WM	29	SE NE	9	19.2	
35 S	7 E	WM	29	SE NE	16	20.0	
35 S	7 E	WM	29	NE NW	3	20.0	
35 S	7 E	WM	29	NW NW	5	4.9	
35 S	7 E	WM	29	NW NW	4	15.0	
35 S	7 E	WM	29	SW NW	13	19.0	
35 S	7 E	WM	29	SW NW	12	16.3	
35 S	7 E	WM	29	SE NW	11	20.0	
35 S	7 E	WM	29	SE NW	14	17.3	
35 S	7 E	WM	29	NE SW	22	18.1	
35 S	7 E	WM	29	NE SW	19	20.0	
35 S	7 E	WM	29	NW SW	20	16.1	
35 S	7 E	WM	29	NW SW	21	13.3	
35 S	7 E	WM	29	SW SW	29	20.0	
35 S	7 E	WM	29	SW SW	28	16.4	
35 S	7 E	WM	29	SE SW	30	15.7	POD 12
35 S	7 E	WM	29	SE SW	27	17.7	
35 S	7 E	WM	29	NE SE	17	19.5	
35 S	7 E	WM	29	NE SE	24	19.1	
35 S	7 E	WM	29	NW SE	23	11.0	
35 S	7 E	WM	29	NW SE	18	20.0	
35 S	7 E	WM	29	SW SE	31	12.5	
35 S	7 E	WM	29	SW SE	26	12.5	
35 S	7 E	WM	29	SE SE	25	17.1	
35 S	7 E	WM	29	SE SE	32	12.8	
35 S	7 E	WM	30	NE NE	10	8.8	
35 S	7 E	WM	30	SW NE	19	0.6	
35 S	7 E	WM	30	SE NE	20	20.0	
35 S	7 E	WM	30	SE NE	11	17.2	
35 S	7 E	WM	30	SE SW	38	0.2	
35 S	7 E	WM	30	SW SE	39	18.4	
35 S	7 E	WM	30	SE SE	40	18.5	
35 S	7 E	WM	31	NE NE	1	14.2	
35 S	7 E	WM	31	NE NE	10	20.0	
35 S	7 E	WM	31	NW NE	2	20.0	
35 S	7 E	WM	31	NE NW	3	2.7	
35 S	7 E	WM	32	NW NE	2	17.5	
35 S	7 E	WM	32	NW NE	7	20.0	
35 S	7 E	WM	32	NE NW	6	14.5	
35 S	7 E	WM	32	NE NW	3	14.2	
35 S	7 E	WM	32	NW NW	4	19.4	

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
35 S	7 E	WM	32	NW NW	5	19.4	POD 12
35 S	7 E	WM	32	SE NW	14	17.8	
35 S	7 E	WM	32	SE NW	11	17.2	
35 S	7 E	WM	32	NW SW	21	20.0	
35 S	7 E	WM	32	NW SW	20	20.0	
35 S	7 E	WM	32	SW SW	29	20.0	
35 S	7 E	WM	32	SW SW	28	10.0	
35 S	7 E	WM	32	NE SE	17	20.0	
35 S	7 E	WM	32	NE SE	24	20.0	
35 S	7 E	WM	32	NW SE	23	19.0	
35 S	7 E	WM	32	NW SE	18	15.65	
35 S	7 E	WM	32	SW SE	31	20.0	
35 S	7 E	WM	32	SW SE	26	19.0	
35 S	7 E	WM	32	SE SE	32	19.0	
35 S	7 E	WM	32	SE SE	25	17.0	
35 S	7 E	WM	33	NE NE	8	5.3	
35 S	7 E	WM	33	NE NE	1	4.5	
35 S	7 E	WM	33	NW NE	2	11.2	
35 S	7 E	WM	33	NW NE	7	20.0	
35 S	7 E	WM	33	SW NE	10	20.0	
35 S	7 E	WM	33	SE NE	9	4.2	
35 S	7 E	WM	33	NE NW	3	18.8	
35 S	7 E	WM	33	NE NW	6	20.0	
35 S	7 E	WM	33	NW NW	5	17.6	
35 S	7 E	WM	33	NW NW	4	17.9	
35 S	7 E	WM	33	SW NW	13	18.4	
35 S	7 E	WM	33	SW NW	12	20.0	
35 S	7 E	WM	33	SE NW	11	20.0	
35 S	7 E	WM	33	SE NW	14	20.0	
35 S	7 E	WM	33	NE SW	19	19.0	
35 S	7 E	WM	33	NW SW	21	20.0	
35 S	7 E	WM	33	NW SW	20	18.9	
35 S	7 E	WM	33	SW SW	29	9.0	
35 S	7 E	WM	33	SW SW	28	10.0	
35 S	7 E	WM	33	SE SW	30	20.0	
35 S	7 E	WM	33	SE SW	27	20.0	
35 S	7 E	WM	33	NE SE	17	8.3	
35 S	7 E	WM	33	NE SE	24	8.0	
35 S	7 E	WM	33	NE SE	22	19.0	
35 S	7 E	WM	33	NW SE	23	19.5	
35 S	7 E	WM	33	NW SE	18	19.5	
35 S	7 E	WM	33	SW SE	31	20.0	
35 S	7 E	WM	33	SW SE	15	20.0	
35 S	7 E	WM	33	SW SE	26	20.0	
35 S	7 E	WM	33	SE SE	16	5.2	
36 S	7 E	WM	3	SW NW	12	3.6	
36 S	7 E	WM	3	SW NW	13	5.6	
36 S	7 E	WM	3	NW SW	21	10.5	
36 S	7 E	WM	3	NW SW	20	9.0	
36 S	7 E	WM	3	SW SW	28	12.5	
36 S	7 E	WM	3	SW SW	29	14.5	

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
36 S	7 E	WM	4	NE NE	8	20.0	POD 12
36 S	7 E	WM	4	NE NE	1	15.9	
36 S	7 E	WM	4	NW NE	7	20.0	
36 S	7 E	WM	4	NW NE	2	15.0	
36 S	7 E	WM	4	SW NE	10	17.2	
36 S	7 E	WM	4	SW NE	15	16.9	
36 S	7 E	WM	4	SE NE	9	20.0	
36 S	7 E	WM	4	SE NE	16	17.0	
36 S	7 E	WM	4	NE NW	6	20.0	
36 S	7 E	WM	4	NE NW	3	20.0	
36 S	7 E	WM	4	NW NW	4	20.0	
36 S	7 E	WM	4	NW NW	5	20.0	
36 S	7 E	WM	4	SW NW	12	20.0	
36 S	7 E	WM	4	SW NW	13	16.2	
36 S	7 E	WM	4	SE NW	11	20.0	
36 S	7 E	WM	4	SE NW	14	17.1	
36 S	7 E	WM	4	NE SW	19	20.0	
36 S	7 E	WM	4	NE SW	22	16.1	
36 S	7 E	WM	4	NW SW	21	12.3	
36 S	7 E	WM	4	SW SW	29	10.9	
36 S	7 E	WM	4	SW SW	28	11.3	
36 S	7 E	WM	4	SE SW	27	17.3	
36 S	7 E	WM	4	SE SW	30	18.2	
36 S	7 E	WM	4	NW SE	18	20.0	
36 S	7 E	WM	4	NW SE	23	20.0	
36 S	7 E	WM	4	SW SE	31	18.0	
36 S	7 E	WM	4	SW SE	26	20.0	
36 S	7 E	WM	4	SE SE	25	20.0	
36 S	7 E	WM	4	SE SE	32	19.7	
36 S	7 E	WM	5	NE NE	1	17.5	
36 S	7 E	WM	5	NE NE	8	18.8	
36 S	7 E	WM	5	NW NE	2	19.5	
36 S	7 E	WM	5	NW NE	7	20.0	
36 S	7 E	WM	5	SW NE	10	18.0	
36 S	7 E	WM	5	SW NE	15	17.0	
36 S	7 E	WM	5	SE NE	9	17.0	
36 S	7 E	WM	5	SE NE	16	17.0	
36 S	7 E	WM	5	NE NW	6	19.7	
36 S	7 E	WM	5	NE NW	3	17.9	
36 S	7 E	WM	5	NW NW	4	19.2	
36 S	7 E	WM	5	NW NW	5	15.6	
36 S	7 E	WM	5	SW NW	13	2.7	
36 S	7 E	WM	5	SW NW	12	9.0	
36 S	7 E	WM	5	SE NW	11	20.0	
36 S	7 E	WM	5	SE NW	14	19.9	
36 S	7 E	WM	5	NE SW	22	7.4	
36 S	7 E	WM	5	NE SW	19	16.0	
36 S	7 E	WM	5	SW SE	31	19.7	
36 S	7 E	WM	5	SW SE	26	19.7	
36 S	7 E	WM	5	SE SE	32	19.0	
36 S	7 E	WM	5	SE SE	25	19.0	

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
36 S	7 E	WM	8	NE NE		40.0	
36 S	7 E	WM	8	NW NE		35.9	
36 S	7 E	WM	9	NE NE	8	13.0	
36 S	7 E	WM	9	NE NE	1	17.2	
36 S	7 E	WM	9	NW NE	7	20.0	
36 S	7 E	WM	9	NW NE	2	20.0	
36 S	7 E	WM	9	SW NE	15	20.0	
36 S	7 E	WM	9	SW NE	10	10.0	
36 S	7 E	WM	9	SE NE	16	20.0	
36 S	7 E	WM	9	SE NE	9	20.0	
36 S	7 E	WM	9	NE NW	3	18.8	
36 S	7 E	WM	9	NE NW	6	19.0	
36 S	7 E	WM	9	NW NW	4	14.5	
36 S	7 E	WM	9	NW NW	5	18.5	
36 S	7 E	WM	9	SW NW	12	20.0	
36 S	7 E	WM	9	SW NW	13	20.0	
36 S	7 E	WM	9	SE NW	14	19.5	
36 S	7 E	WM	9	SE NW	11	13.5	
36 S	7 E	WM	9	NE SW	19	20.0	
36 S	7 E	WM	9	NE SW	22	20.0	
36 S	7 E	WM	9	SE SW	30	10.37	
36 S	7 E	WM	9	SE SW	27	8.6	
36 S	7 E	WM	9	NE SE	17	20.0	
36 S	7 E	WM	9	NE SE	24	20.0	
36 S	7 E	WM	9	NW SE	23	13.2	
36 S	7 E	WM	9	NW SE	18	19.4	POD 12
36 S	7 E	WM	9	SW SE	31	16.4	
36 S	7 E	WM	9	SW SE	26	5.0	
36 S	7 E	WM	9	SE SE	32	20.0	
36 S	7 E	WM	9	SE SE	25	20.0	
36 S	7 E	WM	10	NW NW	5	13.5	
36 S	7 E	WM	10	NW NW	4	16.5	
36 S	7 E	WM	10	SW NW	13	17.6	
36 S	7 E	WM	10	SW NW	12	19.0	
36 S	7 E	WM	10	SE NW	14	2.7	
36 S	7 E	WM	10	NE SW	19	4.2	
36 S	7 E	WM	10	NE SW	22	6.2	
36 S	7 E	WM	10	NW SW	21	19.4	
36 S	7 E	WM	10	NW SW	20	19.4	
36 S	7 E	WM	10	SW SW	28	19.5	
36 S	7 E	WM	10	SW SW	29	19.4	
36 S	7 E	WM	10	SE SW	27	7.3	
36 S	7 E	WM	10	SE SW	30	9.3	
36 S	7 E	WM	15	NE NW	6	12.1	
36 S	7 E	WM	15	NE NW	3	10.4	
36 S	7 E	WM	15	NW NW	5	20.0	
36 S	7 E	WM	15	NW NW	4	20.0	
36 S	7 E	WM	15	SW NW	12	14.0	
36 S	7 E	WM	15	SW NW	13	16.9	
36 S	7 E	WM	15	SE NW	11	13.7	
36 S	7 E	WM	15	SE NW	14	10.8	

IRRIGATION AND LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
36 S	7 E	WM	16	NE NE	1	19.5	POD 12
36 S	7 E	WM	16	NE NE	8	8.0	
36 S	7 E	WM	16	SW NE	15	15.0	
36 S	7 E	WM	16	SW NE	10	15.3	
36 S	7 E	WM	16	SE NE	9	7.0	
36 S	7 E	WM	16	SE NE	16	15.0	
36 S	7 E	WM	16	NE NW	6	8.0	
36 S	7 E	WM	16	NE NW	3	10.0	
36 S	7 E	WM	16	SE NW	14	15.5	
36 S	7 E	WM	16	SE NW	11	10.0	
36 S	7 E	WM	16	NE SW	22	11.6	
36 S	7 E	WM	16	NE SW	19	18.0	
36 S	7 E	WM	16	NW SW	20	5.0	
36 S	7 E	WM	16	NW SW	21	5.0	
36 S	7 E	WM	16	SE SW	27	2.0	
36 S	7 E	WM	16	NE SE	24	5.0	
36 S	7 E	WM	16	NE SE	17	20.0	
36 S	7 E	WM	16	NW SE	18	19.0	
36 S	7 E	WM	16	NW SE	23	10.0	

FURTHER LIMITATIONS:

THE COMBINED QUANTITY OF WATER DIVERTED AT EACH OF THE ELEVEN RELOCATED AND ADDITIONAL POINTS OF DIVERSION, BEING PODS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND 12, MUST NOT EXCEED THE QUANTITY OF WATER LAWFULLY AVAILABLE AT THE ORIGINAL POINT OF DIVERSION AT THE CHILOQUIN DAM ON THE SPRAGUE RIVER.

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

Dwight French, Adjudicator
Klamath Basin General Stream Adjudication