

**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 the KLAMATH TRIBES	)	CORRECTED PARTIAL ORDER OF DETERMINATION
_____	)	Water Right Claim 614

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

**A. FINDINGS OF FACT**

1. Claims 614 and 624, pertaining to Seeps and Springs, (Claimants: THE KLAMATH TRIBES; AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AS TRUSTEE ON BEHALF OF THE KLAMATH TRIBES (BIA)) and their associated contests<sup>1</sup> were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 285.
2. Claim 614 was filed by the Klamath Tribes. It incorporates by reference the United States Bureau of Indian Affairs' Claim 624 based on the hunting, trapping, fishing, and gathering purposes of the Klamath Treaty of 1864.
3. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claims 614 and 624 on December 1, 2011.
4. For administrative convenience, OWRD has addressed Claim 624 in a separate Partial Order of Determination for Claim 624. Section B.1 of this Partial Order of Determination makes a legal conclusion about the relationship between Claim 614 and the United States' Claim 624, and the ownership of the water rights that are recognized in these claims.

<sup>1</sup> Claim 614: 2062, 3018, 3121, 3251, 3316, 3646, 4004; Claim 624: 3023, 3256, 3326, 3656, 3885, 4014

## B. DETERMINATION

1. Both the United States and the Klamath Tribes filed claims based on the hunting, trapping, fishing and gathering purposes of the Klamath Treaty of 1864. The Klamath Tribes' Claim 614 incorporates the United States' Claim 624 by reference. The Klamath Tribes' claim is duplicative of the United States' claims, not additive. The United States holds the rights recognized herein in trust for the Klamath Tribes. *Colorado River Water Conservation Dist. v. United States*, 424 US 800, 810 (1976). The United States' Claim 624 is determined in a separate Partial Order of Determination for Claim 624. Claim 614 is denied in this Partial Order of Determination for Claim 614.
2. Based on the file and record herein, IT IS ORDERED that Claim 614 is denied and is of no force or effect.

Dated at Salem, Oregon on February 28, 2014



Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication