

**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 616
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The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT

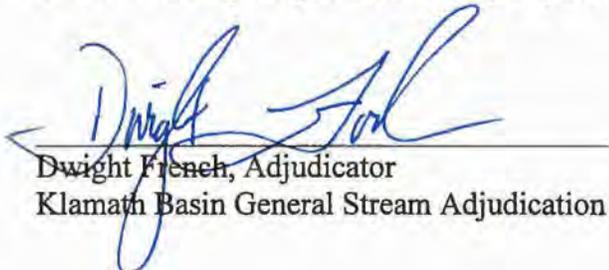
1. Claims 616 and 622, pertaining to the Upper Klamath Lake, (Claimants: THE KLAMATH TRIBES; AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AS TRUSTEE ON BEHALF OF THE KLAMATH TRIBES (BIA)) and their associated contests¹ were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 286.
2. Claim 616 was filed by the Klamath Tribes. It incorporates by reference the United States Bureau of Indian Affairs' Claim 622 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 616 and 622 on April 16, 2012.
4. For administrative convenience, OWRD has addressed Claim 622 in a separate Partial Order of Determination for Claim 622. Section B.1 of this Partial Order of Determination makes a legal conclusion about the relationship between Claim 616 and the United States' Claim 622, and the ownership of the water rights that are recognized in these claims.

¹ Claim 616: 2062, 2731, 2741, 3020, 3123, 3253, 3318, 3648, 4006; Claim 622: 2063, 2732, 2742, 3021, 3254, 3324, 3654, 3883, 4012

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 616 incorporates the United States' Claim 622 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). As a result, the United States' Claim 622 is determined in a separate Partial Order of Determination for Claim 622 and Claim 616 is denied in this Partial Order of Determination for Claim 616.
2. Based on the file and record herein, IT IS ORDERED that Claim 616 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