

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

Claim No. **65**
Allottee Claim

Current Claimant(s) of Record:

Gerald A. Page
Louise L. Page
PO Box 429
Fort Klamath OR 97626

Original Claimant(s):

Gerald A. Page
Louise L. Page

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

FINDINGS OF FACT

1. The claim was filed on January 16, 1991.
2. The claim was withdrawn on March 16, 1994.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **70**
Allottee claim

Current Claimant(s) of Record:

Hilda Francis
Estate of Jesse Francis
PO Box 213
Chiloquin OR 97624

Original Claimant(s):

Hilda Francis
Estate of Jesse Francis

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

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

ELEMENTS OF AN ALOTTEE CLAIM

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

CLAIM INFORMATION

2. The claim was filed on December 5, 1990.
3. The claim is for the amount of water used or necessary for each use “as set forth in attached certificates” from three points of diversion located on Sprague River, tributary to Williamson River, for irrigation of 216 acres.
4. The claimed period of use is April 1 through November 30.
5. The claimed priority date is 1864.

FINDINGS OF FACT

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

EXISTING DEVELOPMENT

7. The Department performed a field inspection which did support the claim.
8. The delivery system has the capacity to deliver 5.26 cubic feet per second.
9. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

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

10. For diversion point #1, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, Section 23, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 66.8 acres and incidental livestock use.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.67 cubic feet per second, measured at the point of diversion.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	2.0	ACRES IRRIGATION
SW ¼ SW ¼	2.8	ACRES IRRIGATION
SE ¼ SW ¼	20.0	ACRES IRRIGATION

SECTION 23

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NW ¼	28.0	ACRES IRRIGATION
NW ¼ NW ¼	12.0	ACRES IRRIGATION
SE ¼ NW ¼	2.0	ACRES IRRIGATION

SECTION 26

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

For diversion point #2, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 26, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 107.6 acres and incidental livestock use

AMOUNT ACTUALLY BENEFICIALLY USED: 2.69 cubic feet per second, measured at the point of diversion

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SW¹/₄ NW ¹/₄ 13.5 ACRES IRRIGATION
SE¹/₄ NW ¹/₄ 13.7 ACRES IRRIGATION
NE¹/₄ SW ¹/₄ 21.8 ACRES IRRIGATION
NW¹/₄ SW ¹/₄ 36.0 ACRES IRRIGATION
SE¹/₄ SW ¹/₄ 20.2 ACRES IRRIGATION

SECTION 26

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

NE ¹/₄ SE ¹/₄ 2.4 ACRES IRRIGATION

SECTION 27

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

For diversion point #3, the Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Portable pumping - SW ¹/₄ NW ¹/₄, SE ¹/₄ NW ¹/₄, Section 26, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 33.6 acres and incidental livestock use. This is less than the quantity claimed.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.84 cubic feet per second, measured at the point of diversion. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW¹/₄ NW ¹/₄ 3.6 ACRES IRRIGATION
SW¹/₄ NW ¹/₄ 14.1 ACRES IRRIGATION
SE¹/₄ NW ¹/₄ 15.9 ACRES IRRIGATION

SECTION 26

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

PRACTICABLY IRRIGABLE ACREAGE

11. Practicably irrigable acreage was not claimed.

CONCLUSION

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

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", 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. **83**
Allottee claim

Current Claimant(s) of Record:

Lititia Kirk
P.O. Box 69622
Portland OR 97201

William Ray
35415 SE Coupland Road
Estacada OR 97023

Klamath and Modoc Tribes
P.O. Box 436
Chiloquin OR 97624

Original Claimant(s):

Lititia Kirk

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

This preliminary evaluation takes into consideration all information available as of August 6, 1999.

ELEMENTS OF AN ALLOTTEE CLAIM

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

CLAIM INFORMATION

2. The claim was filed on January 3, 1991.
3. The claim is for a total of 2.5 cubic feet per second from one point of diversion located on Williamson River, tributary to Klamath River, for irrigation of 83 acres and livestock.
4. The claimed period of use is March 15 to October 15.
5. The claimed priority date is October 14, 1864.

FINDINGS OF FACT

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

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

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

CONCLUSION

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

Dated the 4th day of October, 1999.

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. **92**
Allottee Claim

Current Claimant(s) of Record:

Dale Ivan Walker
PO Box 247
Chiloquin OR 97624

Original Claimant(s):

Dale Ivan Walker

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

FINDINGS OF FACT

1. The claim was filed on October 25, 1990.
2. The claim was withdrawn on November 5, 1993.

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

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

Claim No. **96**
Allottee claim

Current Claimant(s) of Record:

Stern Skeen and Betty Skeen
2420 Lindley Way
Klamath Falls OR 97601

Original Claimant(s):

Stern Skeen and Betty Skeen

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

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

CLAIM INFORMATION

2. The claim was filed on December 7, 1990.
3. The claim did not specify the quantity of water claimed. The claim is for water from

Trout Creek and Sprague River, tributary to Williamson River, “up to 110 acres” of practicably irrigable acreage, livestock, etc.

4. The claim did not specify the period of use.
5. The claimed priority date is 1864.

FINDINGS OF FACT

6. For the required *Allottee* elements the Department finds:
 - a. The land appurtenant to the claim is a part of the former Klamath Indian Reservation.
 - b. The claimants are Klamath Indians.
 - c. The record does not establish that the land is arable.
 - d. The property has been in continuous Indian ownership.

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

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

CONCLUSION

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

Dated the 4th day of October, 1999.

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. **125**
Allottee claim

Current Claimant(s) of Record:

The Morgana Hunter Loving Trust
PO Box 241
Florence OR 97439

Original Claimant(s):

Bettie L. Hunter

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

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

ELEMENTS OF AN ALLOTTEE CLAIM

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

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 450 gallons per minute from one point of diversion located on Sprague River, tributary to Klamath River, for irrigation of 37 acres.
4. The claimed period of use is the “normal irrigation season”.

5. The claimed priority date is 1864.

FINDINGS OF FACT

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

EXISTING DEVELOPMENT

7. No existing uses were claimed.

PRACTICABLY IRRIGABLE ACREAGE

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

CONCLUSION

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

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication