

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

Claim No. **675**  
Allottee claim

**Current Claimant(s) of Record:**

Herman Anderson  
Deborah Anderson  
PO Box 19  
Beatty, OR 97621

**Original Claimant(s):**

Herman Anderson  
Deborah Anderson

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 August 11, 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 31, 1991.
3. The claim is for a total of 114.9 acre-feet from a point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 37.1 acres of practicably irrigable acreage (total acres includes 0.5 acres for domestic irrigation).

4. The claimed period of use is March 1 through October 16.
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 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. 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

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

Claim No. **676**  
Allottee claim

**Current Claimant(s) of Record:**

Norman Miller Anderson  
PO Box 231  
Beatty, OR 97621

**Original Claimant(s):**

Norman Miller Anderson

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 August 11, 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 31, 1991.
3. The claim is for a total of 708.2 acre-feet from points of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 11.0 acres, 213.1 acres of practicably irrigable acreage, and 20 head of livestock.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use as claimed.
8. The existing delivery system has the capacity to deliver 4.86 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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NE ¼, Section 23, Township 36 South, Range 12 East, W.M.

SOURCE: Brown Creek, tributary to Sprague River

USE: irrigation of 11.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.28 cubic feet per second, measured at the point of diversion, for irrigation, and 240 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	4.3	ACRES IRRIGATION
NW ¼ SW ¼	5.3	ACRES IRRIGATION
SE ¼ SW ¼	1.4	ACRES IRRIGATION

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

NE ¼ SW ¼	LIVESTOCK
NW ¼ SW ¼	LIVESTOCK
SW ¼ SW ¼	LIVESTOCK
SE ¼ SW ¼	LIVESTOCK

SECTION 14

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

SW ¼ NE ¼	LIVESTOCK
SE ¼ NE ¼	LIVESTOCK
SE ¼ NW ¼	LIVESTOCK

SECTION 15

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of 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. **677**  
Allottee claim

**Current Claimant(s) of Record:**

Norman Miller Anderson  
PO Box 231  
Beatty OR 97621

**Original Claimant(s):**

Norman Miller Anderson

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **678**  
Allottee claim

**Current Claimant(s) of Record:**

Norman Miller Anderson  
PO Box 231  
Beatty OR 97621

**Original Claimant(s):**

Norman Miller Anderson

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **679**  
Allottee claim

**Current Claimant(s) of Record:**

Oscar T. Anderson  
5621½ Altamont Drive  
Klamath Falls, OR 97603

**Original Claimant(s):**

Oscar T. Anderson

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 August 11, 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 31, 1991.
3. The claim is for a total of 129.8 acre-feet from points of diversion located on Spring Creek, tributary to Sprague River and Sprague River tributary to Williamson River, for irrigation of 19.4 acres, 40 head of livestock, and 14.8 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use as claimed.
8. The existing delivery system has the capacity to deliver 0.38 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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: Government Lots 3 & 4, Section 14, Township 36 South, Range 12 East, W.M. (This is a portable point of diversion.)

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 19.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.38 cubic feet per second, measured at the point of diversion, for irrigation. This is less than the amount claimed.

480 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 3 NE ¼ NW ¼ 3.5 ACRES IRRIGATION  
LOT 4 NW ¼ NW ¼ 15.9 ACRES IRRIGATION  
SECTION 14  
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 3 NE ¼ NW ¼ LIVESTOCK  
LOT 4 NW ¼ NW ¼ LIVESTOCK  
SECTION 14  
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

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

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim is denied.

Dated the 4th day of October, 1999.

A handwritten signature in cursive script, reading "Richard D. Bailey", 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. **680**  
Allottee claim

**Current Claimant(s) of Record:**

Priscilla Bettles  
Bettles Family of Oregon, LTD  
HC-30, Box 104  
Chiloquin, OR 97624

**Original Claimant(s):**

Priscilla Bettles

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

**FINDINGS OF FACT / CONCLUSION**

1. This claim was combined with claim number 231.

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. **681**

**Current Claimant(s) of Record:**

Edward Lalo Case  
Cassie Case  
PO Box 124  
Chiloquin OR 97624

**Original Claimant(s):**

Edward Lalo Case  
Cassie Case

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **682**  
Allottee claim

**Current Claimant(s) of Record:**

Aaron Smith  
Estate of Lavina Lalo Smith  
Box 103  
Beatty, OR 97621

**Original Claimant(s):**

Dell Smith, Jr.  
Velda/Lorraine Smith

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 13, 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 31, 1991.
3. The claim is for a total of 117.8 acre-feet from a point of diversion located on Sprague River, tributary to Williamson River, for irrigation of 38.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
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 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. 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

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

Claim No. **683**  
Allottee claim

**Current Claimant(s) of Record:**

Aaron Smith  
Estate of Lavina Lalo Smith  
Box 103  
Beatty, OR 97621

**Original Claimant(s):**

Edward Lalo Case  
Cassie Lalo Case

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 13, 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 31, 1991.
3. The claim is for a total of 253.3 acre-feet from points of diversion located on Sprague River, for irrigation of 46.3 acres, 20 head of livestock, and 16.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing uses.
8. The existing delivery system has the capacity to deliver the claimed amount.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 25, Township 34 South, Range 8 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 46.3 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.16 cubic feet per second, measured at the point of diversion, for irrigation.

240 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

SE ¼ NE ¼	2.3	ACRES IRRIGATION
NE ¼ SE ¼	14.0	ACRES IRRIGATION
NW ¼ SE ¼	30.0	ACRES IRRIGATION
NE ¼ SE ¼	14.0	LIVESTOCK

SECTION 25  
TOWNSHIP 34 SOUTH, RANGE 8 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

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

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of 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. **684**  
Allottee claim

**Current Claimant(s) of Record:**

Lawrence Hall  
PO Box 552  
Fort Klamath, OR 97626

**Original Claimant(s):**

Lawrence Hall

The general location of the claimed use is Township 33 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 19, 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 31, 1991.
3. The claim is for a total of 1.7 acre-feet from one point of diversion located on Fort Creek, tributary to Wood River, for irrigation of 0.4 acres.
4. The claimed period of use is March 1 through October 16 for irrigation.

5. The claimed priority date is October 14, 1864.

## **FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim 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. **685**  
Allottee claim

**Current Claimant(s) of Record:**

Stephen Hess  
Melissa Hess  
PO Box 111  
Beatty, OR 97621

**Original Claimant(s):**

Stephen Hess  
Melissa Hess

The general location of the claimed use is Township 36 South, Range 11 East and Township 36 South, Range 12 East W.M.

This preliminary evaluation takes into consideration all information available as of August 18, 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 31, 1991.
3. The claim is for a total of 3078.1 acre-feet from points of diversion located on an unnamed spring, Whiskey Creek, and Sprague River, for irrigation of 608.2 acres, 400 head of cattle, and 147.1 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 claimant is a Klamath Indian.
  - c. The land is arable.
  - d. Except for the lands in Township 36 South, Range 11 East, the property has not had more than five successive years of non-Indian ownership.

## **EXISTING DEVELOPMENT**

7. The Department performed a field inspection which found the existing use.
8. The existing delivery system from the Sprague River has the capacity to deliver 3.01 cfs. The existing delivery system from Whiskey Creek has the capacity to deliver the claimed amount.
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  
  
For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31
10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ SE ¼, Section 7, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 350.1 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 3.01 cubic feet per second, measured at the point of diversion, for irrigation and livestock.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

	NE ¼ SW ¼	35.2	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NW ¼ SW ¼	16.8	ACRES IRRIGATION AND LIVESTOCK
LOT 4	SW ¼ SW ¼	40.7	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SW ¼	40.0	ACRES IRRIGATION AND LIVESTOCK
	NW ¼ SE ¼	5.4	ACRES IRRIGATION AND LIVESTOCK
	SW ¼ SE ¼	29.6	ACRES IRRIGATION AND LIVESTOCK
	SE ¼ SE ¼	0.6	ACRES IRRIGATION AND LIVESTOCK

SECTION 7

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

LOT 1	NE ¼ NE ¼	7.0	ACRES IRRIGATION AND LIVESTOCK
LOT 8	NE ¼ NE ¼	8.7	ACRES IRRIGATION AND LIVESTOCK
LOT 2	NW ¼ NE ¼	17.6	ACRES IRRIGATION AND LIVESTOCK
LOT 7	NW ¼ NE ¼	11.6	ACRES IRRIGATION AND LIVESTOCK
LOT 10	SW ¼ NE ¼	1.5	ACRES IRRIGATION AND LIVESTOCK
LOT 3	NE ¼ NW ¼	20.0	ACRES IRRIGATION AND LIVESTOCK
LOT 6	NE ¼ NW ¼	18.2	ACRES IRRIGATION AND LIVESTOCK
LOT 4	NW ¼ NW ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 5	NW ¼ NW ¼	21.2	ACRES IRRIGATION AND LIVESTOCK
LOT 12	SW ¼ NW ¼	13.2	ACRES IRRIGATION AND LIVESTOCK

LOT 13	SW ¼ NW ¼	14.6	ACRES IRRIGATION AND LIVESTOCK
LOT 11	SE ¼ NW ¼	15.7	ACRES IRRIGATION AND LIVESTOCK
LOT 14	SE ¼ NW ¼	11.3	ACRES IRRIGATION AND LIVESTOCK

SECTION 18

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 7 NW ¼ NE ¼, Section 18, Township 36 South, Range 12 East, W.M.

SOURCE: Unnamed Spring

USE: irrigation of 0.5 acres. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.01 cubic feet per second, measured at the point of diversion, for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation

PRIORITY DATE: October 14, 1864

PLACE OF USE:

Lot 7 NW ¼ NE ¼ 0.5 ACRES IRRIGATION  
SECTION 18  
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: Lot 10 SW ¼ NE ¼, Section 13, Township 36 South, Range 11 East, W.M.

SOURCE: Whiskey Creek, tributary to Sprague River

USE: irrigation of 117.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.93 cubic feet per second, measured at the point of diversion, for irrigation and livestock.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 1 NE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 8 NE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 9 SE ¼ NE ¼ 16.3 ACRES IRRIGATION AND LIVESTOCK

LOT 16 SE ¼ NE ¼ 20.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 17 NE ¼ SE ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 24 NE ¼ SE ¼ 13.2 ACRES IRRIGATION AND LIVESTOCK

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

LOT 12 SW ¼ NW ¼ 4.5 ACRES IRRIGATION AND LIVESTOCK  
LOT 13 SW ¼ NW ¼ 6.3 ACRES IRRIGATION AND LIVESTOCK

SECTION 18

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: None

SOURCE: Sprague River, tributary to Williamson River

USE: livestock use. This does not include any practicably irrigable acreage.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼ LIVESTOCK

LOT 18 NW ¼ SE ¼ LIVESTOCK

LOT 23 NW ¼ SE ¼ LIVESTOCK

LOT 26 SW ¼ SE ¼ LIVESTOCK

SECTION 12

TOWNSHIP 36 SOUTH, RANGE 11 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 4800 gallons per day from all sources, measured at the point of diversion if applicable.

11. The lands in Sections 12 & 13, of Township 36 South, Range 11 East, were out of Indian ownership for more than 5 consecutive years. These lands are being considered as *Walton* lands.
  - a. The land in section 12 left Indian ownership on September 20, 1957.

- b. The land in sections 13 left Indian ownership on September 3, 1963.
- c. The development in sections 12 and 13 began sometime after November 9, 1962.
- d. Development in section 12 began more than 5 years after the lands passed from Indian to non-Indian ownership. These lands were not diligently developed. These lands are not included in the listing above.
- e. Development of the land in section 13 began before the lands left Indian ownership, and were diligently developed following the transfer. These lands are included in the listing above.

### **PRACTICABLY IRRIGABLE ACREAGE**

- 12. 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**

- 13. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
- 14. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **686**  
*Allottee Claim*

**Current Claimant(s) of Record:**

Stephen Hess  
Melissa Hess  
PO Box 111  
Beatty OR 97621

**Original Claimant(s):**

Stephen Hess  
Melissa Hess

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **687**  
*Allottee Claim*

**Current Claimant(s) of Record:**

Stephen Hess  
Melissa Hess  
PO Box 111  
Beatty OR 97621

**Original Claimant(s):**

Stephen Hess  
Melissa Hess

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **688**  
Allottee claim

**Current Claimant(s) of Record:**

Leroy Hicks  
Representative of Harry Clarkson  
PO Box 551  
Chiloquin, OR 97624

**Original Claimant(s):**

Leroy Hicks

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 20, 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 31, 1991.
3. The claim is for a total of 123.6 acre-feet from one point of diversion located on Sprague River, for irrigation of 11.4 acres, 6 head of cattle, and 24.0 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use as claimed.
8. The existing delivery system has the capacity to deliver the claimed amount.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season

limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 11.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.29 cubic feet per second, measured at the point of diversion, for irrigation.

72 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 25 SE ¼ SE ¼ 5.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 32 SE ¼ SE ¼ 6.2 ACRES IRRIGATION AND LIVESTOCK  
SECTION 33  
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

#### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of 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. **689**  
Allottee claim

**Current Claimant(s) of Record:**

Leroy Hicks  
Representative of Harry Clarkson  
PO Box 551  
Chiloquin, OR 97624

**Original Claimant(s):**

Leroy Hicks

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 20, 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 31, 1991.
3. The claim is for a total of 677.1 acre-feet from points of diversion located on Hog Creek, for 180 head of cattle, and 217.6 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use as claimed.
8. The existing delivery system has the capacity to deliver the claimed amount.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

**POINT OF DIVERSION LOCATION:** No point of diversion exists. Livestock have direct access to the creek.

**SOURCE:** Hog Creek, tributary to Williamson River

**USE:** livestock use. This does not include any practicably irrigable acreage.

**AMOUNT ACTUALLY BENEFICIALLY USED:** 2160 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ SW ¼	LIVESTOCK
NW ¼ SW ¼	LIVESTOCK
SE ¼ SW ¼	LIVESTOCK
SW ¼ SE ¼	LIVESTOCK

SECTION 27

TOWNSHIP 32 SOUTH, RANGE 8 EAST, W.M.

NE ¼ NE ¼	LIVESTOCK
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SECTION 34

TOWNSHIP 32 SOUTH, RANGE 8 EAST, W.M.

#### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **690**  
Allottee claim

**Current Claimant(s) of Record:**

Jerry A. Parrish  
Ernestine S. Kirk  
PO Box 181  
Beatty, OR 97621

**Original Claimant(s):**

Jerry Parrish  
Ernestine S. Kirk

The general location of the claimed use is Township 36 South, Range 10 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 26, 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 31, 1991.
3. The claim is for a total of 1,598.1 acre-feet from points of diversion located on Sprague River, for irrigation of 239.8 acres, 6 horses, and 182.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use.
8. No delivery system exists. The lands are irrigated by means of natural overflow from the Sprague River.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No diversion point exists.

SOURCE: Sprague River, tributary Williamson River

USE: irrigation of 239.8 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 6.0 cubic feet per second for irrigation.

60 gallons per day for livestock. Livestock drink directly from the source.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NE ¼ NE ¼	3.2	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NE ¼	36.1	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NE ¼	24.5	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NE ¼	6.2	ACRES IRRIGATION AND LIVESTOCK
NE ¼ NW ¼	38.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ NW ¼	34.8	ACRES IRRIGATION AND LIVESTOCK
SW ¼ NW ¼	36.6	ACRES IRRIGATION AND LIVESTOCK
SE ¼ NW ¼	30.8	ACRES IRRIGATION AND LIVESTOCK
NE ¼ SW ¼	1.9	ACRES IRRIGATION AND LIVESTOCK
NW ¼ SW ¼	26.8	ACRES IRRIGATION AND LIVESTOCK

SECTION 10

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

**PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

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

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of 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. **691**  
Allottee claim

**Current Claimant(s) of Record:**

Jerry A. Parrish  
Ernestine S. Kirk  
PO Box 181  
Beatty, OR 97621

**Original Claimant(s):**

Jerry Parrish

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 August 26, 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 31, 1991.
3. The claim is for a total of 607.1 acre-feet from points of diversion located on Sprague River, for irrigation of 108.0 acres, 12 head of cattle, and 46.0 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use.
8. The delivery system will not deliver the quantity of water being claimed.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: LOT 30, SE ¼ SW ¼, Section 8, Township 36 South, Range 12 East, W.M.

SOURCE: Sprague River, tributary Williamson River.

USE: irrigation of 51.6 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 0.9 cubic feet per second for irrigation. This is less than the quantity claimed.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼ 16.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 24 NE ¼ SE ¼ 16.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 18 NW ¼ SE ¼ 16.4 ACRES IRRIGATION AND LIVESTOCK  
LOT 23 NW ¼ SE ¼ 3.1 ACRES IRRIGATION AND LIVESTOCK  
SECTION 10  
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

POINT OF DIVERSION LOCATION: No diversion point exists; natural overflow.

SOURCE: Sprague River, tributary Williamson River

USE: irrigation of 56.4 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.41 cubic feet per second for irrigation.

PERIOD OF USE: March 1 - October 31 for irrigation  
January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 26 SW ¼ SE ¼ 11.3 ACRES IRRIGATION AND LIVESTOCK

LOT 31 SW ¼ SE ¼ 14.2 ACRES IRRIGATION AND LIVESTOCK  
LOT 25 SE ¼ SE ¼ 13.1 ACRES IRRIGATION AND LIVESTOCK  
LOT 32 SE ¼ SE ¼ 17.8 ACRES IRRIGATION AND LIVESTOCK

SECTION 10

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

AMOUNT ACTUALLY BENEFICIALLY USED FOR LIVESTOCK: 144 gallons per day from all sources, measured at the point of diversion if applicable.

**PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **692**  
Allottee claim

**Current Claimant(s) of Record:**

Jerry A. Parrish  
Ernestine S. Kirk  
PO Box 181  
Beatty, OR 97621

**Original Claimant(s):**

Jerry Parrish  
Ernestine S. Kirk

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 August 27, 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 31, 1991.
3. The claim is for a total of 117.8 acre-feet from one point of diversion located on Brown Creek, tributary to Sprague River, for irrigation of 38.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
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 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. 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

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

Claim No. **693**  
Allottee claim

**Current Claimant(s) of Record:**

Jess Kirk, Jr.  
Beatty OR 97621

**Original Claimant(s):**

Jess Kirk, Jr.

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on September 3, 1991.

**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. **694**  
Allottee claim

**Current Claimant(s) of Record:**

Vina Kirk  
Orin Kirk  
PO Box 313  
Chiloquin, OR 97624

**Original Claimant(s):**

Vina Kirk

The general location of the claimed use is Township 32 South, Range 8 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 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 31, 1991.
3. The claim is for a total of 306.0 acre-feet from points of diversion located on Williamson River, for irrigation of 98.7 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
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 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. 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

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

Claim No. **695**  
Allottee claim

**Current Claimant(s) of Record:**

Vina Kirk  
Orin Kirk  
PO Box 313  
Chiloquin, OR 97624

**Original Claimant(s):**

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 27, 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 31, 1991.
3. The claim is for a total of 55.1 acre-feet from one point of diversion located on Agency Creek, tributary to Crooked Creek for irrigation of 17.8 acres of practicably irrigable acreage.

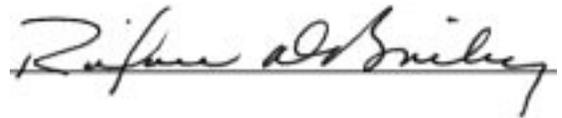
4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

#### **FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim 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. **696**  
Allottee claim

**Current Claimant(s) of Record:**

Vina Kirk  
Orin Kirk  
PO Box 313  
Chiloquin, OR 97624

**Original Claimant(s):**

Vina Kirk

The general location of the claimed use is Township 34 South, Range 7.5 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 30, 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 31, 1991.
3. The claim is for a total of 279.3 acre-feet from one point of diversion located on Crooked Creek, for irrigation of 93.1 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16 for irrigation.
5. The claimed priority date is October 14, 1864.

#### **FINDINGS OF FACT**

6. The claimed source was previously adjudicated as a part of the Wood River, Crane Creek, Sevenmile Creek, and Fourmile Creek adjudication.

7. This claim is for a source which has been previously adjudicated. Therefore, this claim 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. **698**  
Allottee claim

**Current Claimant(s) of Record:**

Vina Kirk  
PO Box 313  
Chiloquin OR 97624

**Original Claimant(s):**

Vina Kirk

This preliminary evaluation takes into consideration all information available as of July 19, 1999.

**FINDINGS OF FACT**

1. The claim was filed on January 31, 1991.
2. The claim was withdrawn on November 2, 1992.

**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. **699**  
Allottee claim

**Current Claimant(s) of Record:**

Kenneth Knight  
Estate of Louis Knight  
5726 Harlan Drive  
Klamath Falls, OR 97603

**Original Claimant(s):**

Kenneth Knight

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 30, 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 31, 1991.
3. The claim is for a total of 179.7 acre-feet from points of diversion located on Williamson River, for 8 head of cattle, and 57.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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. An engineer preformed an inspection of the lands and the uses as claimed.
8. No diversion or delivery system exists; livestock have direct access to the river.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists; livestock have direct access to the river.

SOURCE: Williamson River, tributary to Upper Klamath Lake

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 96 gallons per day for livestock.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 26 SW  $\frac{1}{4}$  SW  $\frac{1}{4}$             LIVESTOCK  
SECTION 3  
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 20 NE  $\frac{1}{4}$  SE  $\frac{1}{4}$             LIVESTOCK  
LOT 27 NE  $\frac{1}{4}$  SE  $\frac{1}{4}$             LIVESTOCK  
LOT 30 SE  $\frac{1}{4}$  SE  $\frac{1}{4}$             LIVESTOCK  
LOT 37 SE  $\frac{1}{4}$  SE  $\frac{1}{4}$             LIVESTOCK  
SECTION 4  
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

LOT 1 NW  $\frac{1}{4}$  NW  $\frac{1}{4}$             LIVESTOCK  
SECTION 10  
TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

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

13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of 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. **700**  
Allottee claim

**Current Claimant(s) of Record:**

Karen Ray  
William Ray  
HC-30 Box 109  
Chiloquin, OR 97624

**Original Claimant(s):**

Karen Ray  
William Ray

The general location of the claimed use is Township 36 South, Range 7 East, W.M.

This preliminary evaluation takes into consideration all information available as of August 31, 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 31, 1991.
3. The claim is for a total of 346.2 acre-feet from one point of diversion located on Sprague River, for irrigation of 80.0 acres, and 160 head of livestock.

4. The claimed period of use is March 1 through October 16 for irrigation and year-round for livestock.
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 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 found the existing use as claimed.
8. The existing delivery system has the capacity to deliver the claimed amount.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 80.0 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 2.0 cubic feet per second, measured

at the point of diversion, for irrigation.

1920 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. The period of use for livestock watering is shorter than was claimed. Modoc Point Irrigation District does not divert water year round.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 17 NE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 18 NW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 23 NW ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
LOT 24 NE ¼ SE ¼ 20.0 ACRES IRRIGATION AND LIVESTOCK  
SECTION 5  
TOWNSHIP 36 SOUTH, RANGE 7 EAST, W.M.

#### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **701**  
Allottee claim

**Current Claimant(s) of Record:**

Jennie Sabin  
3356 Shasta Way  
Klamath Falls, OR 97601

**Original Claimant(s):**

Jennie Sabin

The general location of the claimed use is Township 35 South, Range 13 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 1, 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 31, 1991.
3. The claim is for a total of 702.1 acre-feet from points of diversion located on Mill Creek and Poinina Creek, tributary to Snake Creek, for 25 head of cattle, and 225.9 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round

for livestock.

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 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 found the existing use.
8. No developed delivery system exists.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: No point of diversion exists. Livestock have direct access to the creeks.

SOURCE: Mill Creek and Poinina Creek, tributary to Snake Creek

USE: livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 300 gallons per day for livestock. Livestock drink directly from Mill Creek and Poinina Creek.

PERIOD OF USE: January 1 - December 31 for livestock

PRIORITY DATE: October 14, 1864

PLACE OF USE:

NW ¼ NE ¼ LIVESTOCK  
SW ¼ NE ¼ LIVESTOCK  
SE ¼ NE ¼ LIVESTOCK  
SE ¼ NW ¼ LIVESTOCK  
NW ¼ SE ¼ LIVESTOCK  
LOT 2 SW ¼ NW ¼ LIVESTOCK  
SECTION 30  
TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **702**  
Allottee claim

**Current Claimant(s) of Record:**

Mary Sheppard  
HC-30 Box 78-A  
Chiloquin, OR 97624

**Original Claimant(s):**

Mary Sheppard

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 September 1, 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 31, 1991.
3. The claim is for a total of 332.9 acre-feet from one point of diversion located on Sprague River, for irrigation of 77.2 acres, and 70 head of cattle.
4. The claimed period of use is March 1 through October 16 for irrigation and year-round

for livestock.

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 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 found the existing use.
8. The existing delivery system has the capacity to deliver the claimed amount.
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

For livestock: RATE: 12 gpd/head      SEASON: January 1 - December 31

10. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: NE ¼ SE ¼, Section 3, Township 35 South, Range 7 East, W.M.

SOURCE: Sprague River, tributary to Williamson River

USE: irrigation of 77.2 acres and livestock use. This does not include any practicably irrigable acreage.

AMOUNT ACTUALLY BENEFICIALLY USED: 1.93 cubic feet per second, measured at the point of diversion, for irrigation.

840 gallons per day for livestock.

PERIOD OF USE: March 1 - October 31 for irrigation and livestock. Modoc Point Irrigation District only diverts water during the irrigation season.

PRIORITY DATE: October 14, 1864

PLACE OF USE:

LOT 19	NE ¼ SW ¼	19.6	ACRES IRRIGATION AND LIVESTOCK
LOT 22	NE ¼ SW ¼	19.4	ACRES IRRIGATION AND LIVESTOCK
LOT 27	SE ¼ SW ¼	19.2	ACRES IRRIGATION AND LIVESTOCK
LOT 30	SE ¼ SW ¼	19.0	ACRES IRRIGATION AND LIVESTOCK

SECTION 32

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

### **PRACTICABLY IRRIGABLE ACREAGE**

11. 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**

12. The elements for a developed right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 10 above.
13. The elements for a practicably irrigable acreage right are not established. Therefore, the practicably irrigable acreage portion of this claim 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. **705**  
Allottee claim

**Current Claimant(s) of Record:**

Mary Nan Reyes  
24461 Modoc Point Road  
Chiloquin, OR 97624

**Original Claimant(s):**

Mary Nan Reyes

The general location of the claimed use is Township 36 South, Range 7 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 27, 1991.
3. The claim is for a total of 8.5 acre-feet from Upper Klamath Lake or the Sprague River via Modoc Point Irrigation District, for irrigation of 2.8 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

#### **FINDINGS OF FACT**

6. This claim was received after the February 1, 1991 deadline for submitting claims.

#### **CONCLUSION**

7. This claim was received after the deadline for submitting a claim. 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. **706**  
Allottee claim

**Current Claimant(s) of Record:**

Mary Nan Reyes  
24461 Modoc Point Road  
Chiloquin, OR 97624

**Original Claimant(s):**

Mary Nan Reyes

The general location of the claimed use is Township 36 South, Range 7 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 27, 1991.
3. The claim is for a total of 3.2 acre-feet from Upper Klamath Lake or the Sprague River via Modoc Point Irrigation District, for irrigation of 1.0 acres of practicably irrigable acreage.

4. The claimed period of use is March 1 through October 16.
5. The claimed priority date is October 14, 1864.

#### **FINDINGS OF FACT**

6. This claim was received after the February 1, 1991 deadline for submitting claims.

#### **CONCLUSION**

7. This claim was received after the deadline for submitting a claim. 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. **707**  
Allottee claim

**Current Claimant(s) of Record:**

Mary Nan Reyes  
24461 Modoc Point Road  
Chiloquin, OR 97624

**Original Claimant(s):**

Mary Nan Reyes

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 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 27, 1991.
3. The claim is for a total of 15.9 acre-feet from the Sprague River, for irrigation of 5.1 acres of practicably irrigable acreage.
4. The claimed period of use is March 1 through October 16.

5. The claimed priority date is October 14, 1864.

### **FINDINGS OF FACT**

6. This claim was received after the February 1, 1991 deadline for submitting claims.

### **CONCLUSION**

7. This claim was received after the deadline for submitting a claim. Therefore, this claim is denied.

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