

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

Claim No. **377**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Abbot Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	NE SE	19 40 S	1 E
Little Ivy Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE SE	20 40 S	1 E
Mill Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE SE	27 40 S	1 E
Costello Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SW SW	27 40 S	1 E
Mouse Cr.	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	NW NW	29 40 S	1 E
W.Fk.Grouse	rd./fire prot.	5/1 - 11/1	0.0224	4-24-1906	SE NE	29 40 S	1 E
West Branch	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW NE	35 40 S	1 W
Long John Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE SW	1 41 S	1 W
Drip Cr.	rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE NW	1 41 S	1 W

Long John Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW NE	1	41 S	1 W
Little Joel Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW NE	12	41 S	1 W
Cow Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	14	41 S	1 W
King Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW SE	15	41 S	1 W
W.Br LngJohn rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW SE	2	41 S	1 W
Red Mtn. Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	3	41 S	1 W
Slow Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE NW	3	41 S	1 W
Cow Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SE SW	4	41 S	1 W
Cow Cr. rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW NW	8	41 S	1 W
Cottage Glade rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	SW SE	8	41 S	1 W
Cottage Glade rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NW SW	9	41 S	1 W
Cow Glade rd./fire prot.	5/1 - 11/1	0.0224	3-2-1907	NE NW	13	41 S	2 W
TOTAL		0.501					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.
8. The portion of the claim for Organic Act purposes is APPROVED.
9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
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Claim No. **378**
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CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec Twn.	Rng.
Cat Sunk Cr.	rd./fire prot.	5/1 - 11/1	0.223	5-14-1930	SE NE	23 26 S	9 E
WfK Jack Cr\	rd./fire prot.	5/1 - 11/1	1.114	5-14-1930	NW NW	33 26 S	9 E
Binwall							
Crooked Mdw	rd./fire prot.	5/1 - 11/1	0.557	5-14-1930	LOT 1	19 26 S	10 E
Binwall							
Pumice Puddle	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SE NE	30 26 S	10 E
Johnson Mdw	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SE NE	01 27 S	9 E
stock tank							
Johnson Mdw	rd./fire prot	5/1 - 11/1	0.06	5-14-1930	SW NE	01 27 S	9 E

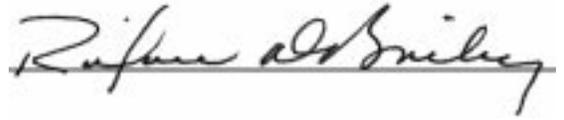
		spring						
Jack Cr. Div.	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SW SE	2	27 S	9 E
Jack Cr.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	NE SE	19	27 S	10 E
Helens Hot Spot	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SW NW	20	27 S	10 E
S. Davis Flat	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE SE	32	27 S	10 E
Cleary Pond	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	SW SE	2	28 S	10 E
Bartley HW	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	NW NE	14	28 S	10 E
Bullfrog Spr.	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	SE NE	15	28 S	10 E
pond								
Lily Camp	rd./fire prot	5/1 - 11/1	0.557	5-14-1930	NW SW	23	28 S	10 E
Binwall								
Deer Scaffold	rd./fire prot	5/1 - 11/1	0.223	5-14-1930	NW NE	22	29 S	10 E
Spring								
Marvelous	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NE	27	29 S	10 E
Meadow								
Knight Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE SW	2	30 S	11 E
Jackson Cr. CG	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW SE	7	30 S	11 E
Lwr. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	7	30 S	11 E
Hoyt Ranch	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW SE	7	30 S	11 E
Mdl. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NE	8	30 S	11 E
N. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW NE	14	30 S	11 E
N. Jackson Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NE	14	30 S	11 E
Lwr. Irving Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE SW	19	30 S	11 E
Upper Modoc Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NW	34	30 S	11 E
Deep Creek	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	29	31 S	11 E
Clvrt Telephone	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SW	15	32 S	10 E
Draw								
Wildhorse Sp.	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SW	25	33 S	10 E
Head of the	rd./fire prot	5/1 - 11/1	1.114	4-15-1961	NE NW	9	33 S	11 E
River Spr.								
Yamsay Res.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NE	14	33 S	11 E
Bottle Spr. Res.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	24	33 S	11 E
TOTAL			12.875 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.
8. The portion of the claim for Organic Act purposes is APPROVED.
9. The portion of the claim for MUSYA purposes 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

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

Claim No. **379**
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2. Stockwatering and recreation uses are not included in Organic Act purposes.
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CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Hd. of Deer Cr.	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NW NW	6 27 S	7 E
Fk. of Deer Cr.	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NE NW	10 27 S	7 E
Deer Cr. Rd. 1	rd./fire prot.	5/1 - 11/1	0.223	1-25-1907	NE NW	14 27 S	7 E
Frost Pond	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW SW	21 27 S	7 E
Red Cone Spr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW NE	22 27 S	7 E
Deer Cr. Rd.2	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW NE	24 27 S	7 E
Lower Swiss Spr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	SW NW	27 27 S	7 E
Dempsey Spr. Res.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE SE	23 27 S	9 E

Miller Cr.	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	LOT 4	13 27 S	6.5 E
Miller Lake	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NW	13 27 S	6.5 E
Cottonwood Cr.	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NW	26 28 S	6 E
Tiny Creek	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE NE	33 28 S	6 E
Lost Creek	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	SE SE	13 28 S	8 E
Spr. Culvert							
Alberta Camp	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	NW SE	24 28 S	8 E
Little Round Mdw.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SE NE	1 28 S	9 E
Bootleg Spr.	rd./fire prot	5/1 - 11/1	1.114	9-17-1906	SW SE	3 28 S	9 E
Coyote Spr.	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	NE SW	9 28 S	9 E
Shoestring Spr.	rd./fire prot	5/1 - 11/1	0.557	9-17-1906	NW NW	32 28 S	9 E
Rnd. Butte Pond	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	SW NE	5 29 S	9 E
Log Spring	rd./fire prot	5/1 - 11/1	0.223	9-17-1906	SW NE	6 29 S	9 E
Narrow Creek	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE	10 29 S	9 E
Middle Lane Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW NW	11 29 S	9 E
Lower Lane Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE SW	11 29 S	9 E
Lower God Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NW	13 29 S	9 E
Upper God Cr.	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SE NE	13 29 S	9 E
Pond	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NE NW	13 29 S	9 E
Lower Mosquito	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	NW SE	24 29 S	9 E
Creek							
Sheep Spr. Ponds	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	LOT 1	07 29 S	10 E
Bedpan Spring	rd./fire prot	5/1 - 11/1	0.223	4-15-1961	SW NW	32 29 S	10 E
Bear Creek	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SE SW	11 30 S	6 E
Pothole Cr.	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SE SE	25 30 S	6 E
Div. 7							
Pothole Cr.	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	SW SE	25 30 S	6 E
Div. 6							
Pothole Cr.	rd./fire prot	5/1 - 11/1	0.223	6-04-1897	NE SE	26 30 S	6 E
Div. 5							
Lower Bear Cr. II	rd./fire prot	5/1 - 11/1	1.114	1-25-1907	NW NW	6 30 S	7 E
Pothole	rd./fire prot	5/1 - 11/1	0.223	4-16-1961	SW SW	27 30 S	7 E
Ora Summers	rd./fire prot	5/1 - 11/1	0.557	6-04-1897	NE SE	36 30 S	9 E
Pond							
Blue Jay Too	rd./fire prot	5/1 - 11/1	1.114	4-16-1961	NW SE	33 30 S	10 E
Blue Jay Spr.	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	NW NE	33 30 S	10 E
Scott Cr. Camp	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	NW SE	18 31 S	7 E
Skellock Draw	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	NW SE	13 31 S	9 E
John Cole Spr.	rd./fire prot	5/1 - 11/1	0.06	4-16-1961	NW SE	33 31 S	9 E
Skellock Creek	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SE NW	9 31 S	10 E
Meadow Cr.	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SE SE	21 31 S	9 E
Upper Scott Cr.	rd./fire prot	5/1 - 11/1	0.223	1-25-1907	SE NW	10 31 S	7.5 E
Yoss Creek	rd./fire prot	5/1 - 11/1	0.557	4-16-1961	SW NE	8 32 S	9 E
TOTAL			20.117 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*

6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.
8. The portion of the claim for Organic Act purposes is APPROVED.
9. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

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Richard D. Bailey, Adjudicator
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Claim No. **380**
USFS claim

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<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Boundary Bte. Springs	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW SE 17	32 S	7 E
Egan Spring	rd./fire prot	5/1 - 11/1	0.223	11-15-1974	NW NE 21	32 S	7 E
Unnmd pond	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NE SE 24	32 S	8 E
Dice Crane Sp.	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	NW SE 24	32 S	7 E
Hog Creek Spring	rd./fire prot	5/1 - 11/1	0.557	4-15-1961	SW NW 27	32 S	8 E
Recovery Spr.	rd./fire prot	4/1 - 11/1	0.557	4-15-1961	SW NW 8	32 S	9 E
		5/1 - 11/1	0.557	4-15-1961	NW SE 17	32 S	9 E

Whitehouse Sp.rd./fire prot	4/1 - 11/1	0.557	4-15-1961	SE NE	31	32 S 9 E
Williamson R. rd./fire prot	5/1 - 11/1	0.557	11-15-1974	SW SE	35	33 S 7 E
<u>Applegate Res. rd./fire prot</u>	<u>4/1 - 11/1</u>	<u>0.223</u>	<u>11-15-1974</u>	<u>SW NE</u>	<u>18</u>	<u>33 S 9 E</u>
TOTAL		4.568 cfs				

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.
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Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator
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**Summary - Preliminary Evaluation of Claims
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Claim No. **381**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 7 East, W.M. and Township 36 South, Range 8 East, W.M.

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

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim was filed for a total of 0.034 cubic feet per second, from three points of diversion on Lowbert Draw, Ridge Reservoir and Modoc Tower Seep tributary to Williamson River, for stockwater.
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is March 1 through November 30 of each year.
4. The claimed priority date is April 15, 1961.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed use under the Multiple Use Sustained Yield Act (MUSYA). The court in the Adair case ruled that the United States was not entitled to any uses in the Winema National Forest based on MUSYA. Although Congress may have authorized the responsible official in the executive department to reserve water after 1960, the documents transferring lands into the Winema National Forest do not purport to create a reservation under MUSYA or for MUSYA purposes. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication

**Summary - Preliminary Evaluation of Claims
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Claim No. **382**
USFS claim

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Forest Service

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2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. 5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Sycan River	stockwater	3/1 - 11/30	0.014	10-14-1935	NWSW 22	32 S	14 E
Louse Lake	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 26	32 S	14 E

T-Spring	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NE 31 32 S 15 E
Long Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE SE 31 32 S 16 E
Unmnd. Drnge	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW NW 33 32 S 16 E
Pikes Crossing	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE NW 22 33 S 15 E
Paradise Cr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SE 22 33 S 15 E
Skull Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SE 24 33 S 15 E
Paradise Cr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NW 25 33 S 15 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NW 26 33 S 15 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE NE 34 33 S 15 E
Currier Spring	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 3 33 S 16 E
Long Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SE 6 33 S 16 E
Rock Pit	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW SW 14 33 S 16 E
Currier Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NW NW 18 33 S 16 E
Rock Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 21 33 S 16 E
Unnamed Pond	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NE 22 33 S 16 E
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW SW 27 33 S 16 E
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SW NE 28 33 S 16 E
Skull Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 30 33 S 16 E
Work Camp					
Skull Creek	administrative	5/1 - 11/1	0.5	9-17-1906	NE SW 30 33 S 16 E
Work Camp					
Sycan River	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 35 33 S 16 E
Boulder Spr.	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	Lot 3 30 33 S 17 E
Crazy Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	SE NW 10 34 S 15 E
Watson Creek	rd./fire prot.	5/1 - 11/1	0.223	9-17-1906	NE SW 7 34 S 16 E
TOTAL			5.643 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.
7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater purposes.
9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.
10. The portion of the claim for MUSYA purposes 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. **383**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for an implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
3. Stockwatering and recreation uses are not included in in Organic Act purposes.
4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

Source	Use	Season	cfs	Priority	¼ - ¼	Sec Twn.	Rng.
Unnamed Pond	rd./fire prot.	5/1 - 11/30	0.557	10-14-1935	SW NW	19 31	S 14 E
Tool Box Spr.	rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	SE NW	2 32	S 15 E
Klippel Lake	rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	NE NE	26 33	S 14 E

Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	NE SE 35 31 S 14 E
Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	NE SE 35 31 S 15
Unnmd. Pond stockwater	3/1 - 11/30	0.108	10-14-1935	SW SW 11 32 S 14 E
Sycan Stkyd 1 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NW 14 32 S 14 E
Sycan Stkyd 2 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NW 14 32 S 14 E
Sycan Stkyd 88 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NE 14 32 S 14 E
Sycan Stkyd 87 stockwater	3/1 - 11/30	0.014	10-14-1935	SE NE 15 32 S 14 E
RiverbedStkp 27 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NW 27 32 S 14 E
RiverbedStkp 28 stockwater	3/1 - 11/30	0.007	10-14-1935	SE NW 28 32 S 14 E
Sycan StkPd 86 stockwater	3/1 - 11/30	0.007	10-14-1935	SW SW 29 32 S 14 E
RiverbedStkp21 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 31 32 S 14 E
Sycan StkPd 85 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SE 33 32 S 14 E
Sycan StkPd 84 stockwater	3/1 - 11/30	0.007	10-14-1935	SW SE 33 32 S 14 E
RiverbedStkp11 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 34 32 S 14 E
Unnamed Res. stockwater	3/1 - 11/30	0.014	10-14-1935	NE SE 9 32 S 15 E
Unnmd StkPd stockwater	3/1 - 11/30	0.014	10-14-1935	NW SE 9 32 S 15 E
Sycan StkPd 92 stockwater	3/1 - 11/30	0.014	10-14-1935	NW SW 10 32 S 15 E
RiverbedStkp 9 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SW 3 33 S 14 E
RiverbedStkp 10 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NW 3 33 S 14 E
RiverbedStkp 12 stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 3 4 33 S 14 E
Unnamd Str. stockwater	3/1 - 11/30	0.007	10-14-1935	NW SW 4 33 S 14 E
Shake Cr. Pd. stockwater	3/1 - 11/30	0.007	10-14-1935	SE NW 4 33 S 14 E
RiverbedStkp 13 stockwater	3/1 - 11/30	0.007	10-14-1935	NE SE 5 33 S 14 E
RiverbedStkp 20 stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 4 6 33 S 14 E
RiverbedStkp 18 stockwater	3/1 - 11/30	0.007	10-14-1935	NW SE 6 33 S 14 E
RiverbedStkp 19 stockwater	3/1 - 11/30	0.007	10-14-1935	SW NE 6 33 S 14 E
TOTAL		1.537 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.
7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater purposes.
9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.
10. The portion of the claim for MUSYA purposes 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

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

Claim No. **384**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Scyan Ford	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	SW NW	34 33	S 12 E
Unnamed Pothole	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	Lot 2	34 33	S 13 E
Unnamed Pothole	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	SE NE	34 33	S 13 E
Little Hole Big Meadow	rd./fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	7 33	S 13 E
Loggers Pond	rd./fire prot.	5/1 - 11/1	0.223	4-15-1961	NW NE	24 34	S 11 E
Scyan Ford	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW NW	25 33	S 12 E

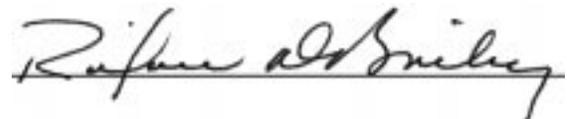
Scyan River 1	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NW 16	33 S 13 E
Merrit Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW SW 26	33 S 13 E
Merrit Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NE 34	33 S 13 E
Dicks Well Sp.	rd./fire prot.	5/1 - 11/30	0.223	9-17-1906	NE NW 32	33 S 14 E
Int. stream	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE 2	34 S 12 E
Godawa	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW 4	34 S 12 E
Rock Pit						
Sycan River	rd./fire prot.	5/1 - 11/30	0.557	4-15-1961	NW NW 16	34 S 12 E
Pelland Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW 24	34 S 12 E
Pond						
Blue Creek	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NW 28	34 S 12 E
Watkins Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NE 2	34 S 13 E
Thicket Spr.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW SE 9	34 S 13 E
Electric Pond	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE 15	34 S 13 E
Diamond Pnd.	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW 17	34 S 13 E
Stream	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW 18	34 S 13 E
Spodue 1/2-	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE SW 3	35 S 12 E
Mile Pit						
Mill Creek 1	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	Lot 4	8 35 S 13 E
Mill Creek 2	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	Lot 6	9 35 S 13 E
Mill Crk. Pond	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW NE 20	35 S 13 E
TOTAL			6.02 cfs			

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression.
8. The portion of the claim for Organic Act purposes is APPROVED.
9. The portion of the claim for MUSYA purposes 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. **385**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

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

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn. Rng.</u>
Buck Spring	rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NE NW 26	34 S 13 E

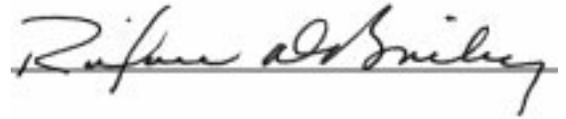
Frying Pan Spr. rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	NW SE 26 34 S 13 E
Buck Spr. Res. rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE SE 26 34 S 13 E
Dice Springs rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SE NE 29 34 S 13 E
No Name Crk. rd./fire prot.	5/1 - 11/30	0.223	4-15-1961	SW NW 36 34 S 13 E
Quarry 1 North rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 17 34 S 14 E
Quarry 2 South rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 17 34 S 14 E
Horseglade Spr. rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	NW SE 17 34 S 14 E
Fivemile Creek rd./fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 20 34 S 14 E
Cold Cr. Crssng rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 35 34 S 15 E
School Creek rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 10 34 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SW 19 34 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 20 34 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NW SE 20 34 S 16 E
Gold Creek rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWSW 23 34 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SE NW 28 34 S 16 E
Sandhill Crssng rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 30 34 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 30 34 S 16 E
Pit Pond rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWSW 30 34 S 16 E
Unnamed Spr. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW 35 34 S 16 E
Huckleberry 1 rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 3 3 35 S 13 E
Unnamed Pond stockwater	3/1 - 11/30	0.002	10-14-1935	SE NE 19 35 S 14 E
Rib Spring stockwater	3/1 - 11/30	0.002	10-14-1935	SE NE 19 35 S 14 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	10-14-1935	SE SE 34 35 S 14 E
Bauer spring stockwater	3/1 - 11/30	0.007	10-14-1935	Lot 4 30 35 S 15 E
Dead Horse Lake rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 6 1 35 S 16 E
N. Fk. Sprague rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	Lot 4 4 35 S 16 E
TOTAL		5.363 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.
7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.
9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.
10. The portion of the claim for MUSYA purposes 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

Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication

Claim No. **386**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

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

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
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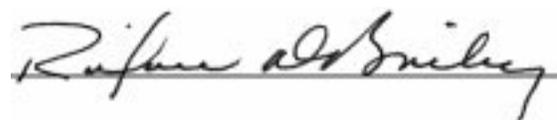
Buckboard Cr. rd/fire prot.	5/1 - 11/30	0.557	8-21-1906	NE NE 31 36 S 17 E
Lantern Flat Sp. administrative	5/1 - 11/30	0.1	8-21-1906	NE SE 32 36 S 17 E
Lantern Flat Sp. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 32 36 S 17 E
Road Spring rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNW32 36 S 17 E
Lantern Flat Sp. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NE SE 32 36 S 17 E
Sagehen Pond stockwater	3/1 - 11/30	0.005	10-14-1935	SE NE 20 37 S 15 E
Line Pond stockwater	3/1 - 11/30	0.005	10-14-1935	NWNW 28 37 S 15 E
Pothole Pond rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWSW 12 37 S 16 E
Indigo Creek rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 32 37 S 16 E
Bare Flat Rd. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SW NE 26 37 S 17 E
Whit Spring rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	SWNW 23 37 S 17 E
Mix Up Spring rd/fire prot.	5/1 - 11/30	0.223	8-21-1906	NWNE 1 38 S 15 E
TOTAL		2.451 cfs		

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.
7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.
9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.
10. The portion of the claim for MUSYA purposes 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. **387**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

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

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. Claims for an implied federal reservation of water under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, for the consumptive uses of water for stock watering, road construction and maintenance and fire protection are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
4. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

5. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
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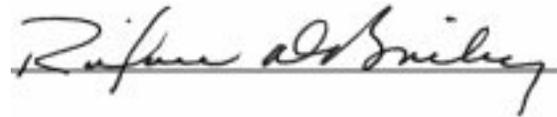
Blue Kettle Pd2 stockwater	3/1 -11/30	0.031	10-14-1935 SE SW	15	37 S 14 E
Blue Kettle Pd1 stockwater	3/1 -11/30	0.031	10-14-1935 SW NW	15	37 S 14 E
Skeedaddle Pd stockwater	3/1 -11/30	0.031	10-14-1935 SW NW	15	37 S 14 E
Old Camp Spr. Pd stockwater	3/1 -11/30	0.031	10-14-1935 SW SW	16	37 S 14 E
Boulder Cr. Sump stockwater	3/1 -11/30	0.031	10-14-1935 NE SE	21	37 S 14 E
SGE Pond stockwater	3/1 -11/30	0.031	10-14-1935 NWNW	22	37 S 14 E
Unnamed Pond stockwater	3/1 -11/30	0.031	10-14-1935 SW SW	25	37 S 14 E
Pole Cr. Sump stockwater	3/1 -11/30	0.031	10-14-1935 SE SE	31	37 S 14 E
L. Horsefly Pd stockwater	3/1 -11/30	0.031	10-14-1935 SW SE	31	37 S 14 E
Pole Cr. Spr. stockwater	3/1 -11/30	0.031	10-14-1935 NE SE	34	37 S 14 E
Cinder Spring stockwater	3/1 -11/30	0.031	10-14-1935 NW SW	35	37 S 14 E
Upr. Taylor Pd stockwater	3/1 -11/30	0.005	10-14-1935 NE SW	20	37 S 15 E
Debbie Pond stockwater	3/1 -11/30	0.005	10-14-1935 SE SE	30	37 S 15 E
Unmed Stkpnd stockwater	3/1 -11/30	0.031	10-14-1935 NE NW	1	38 S 14 E
Glade Pond rd/fire prot.	5/1 - 11/30	0.223	10-14-1935 SW NW	1	38 S 14 E
Penny Hill Pd. rd/fire prot.	5/1 - 11/30	0.223	10-14-1935 Lot 2	2	38 S 14 E
Hamaker Spr. Pd stockwater	3/1 - 11/30	0.031	10-14-1935 SESW	2	38 S 14 E
Sage Pond stockwater	3/1 - 11/30	0.031	10-14-1935 Lot 4	3	38 S 14 E
Sheepherder Pd stockwater	3/1 - 11/30	0.031	10-14-1935 NE SE	3	38 S 14 E
Sheepherder Pd stockwater	3/1 - 11/30	0.031	10-14-1935 SW NE	3	38 S 14 E
Pole Pond stockwater	3/1 - 11/30	0.031	10-14-1935 SW SE	5	38 S 14 E
Dry Lake Pond stockwater	3/1 - 11/30	0.031	10-14-1935 Lot 6	6	38 S 14 E
DryLake Swmp stockwater	3/1 - 11/30	0.031	10-14-1935 NE SW	6	38 S 14 E
Gerber Rim Pd stockwater	3/1 - 11/30	0.031	10-14-1935 NE SE	7	38 S 14 E
Pine Spr. Pond rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 NE SE	9	38 S 14 E
Tag Spring stockwater	3/1 - 11/30	0.031	10-14-1935 NE NE	11	38 S 14 E
Ham Spring stockwater	3/1 - 11/30	0.031	10-14-1935 NE NW	11	38 S 14 E
Fly Pond stockwater	3/1 - 11/30	0.031	10-14-1935 SWNE	11	38 S 14 E
Cinder Pond stockwater	3/1 - 11/30	0.031	10-14-1935 NE NW	11	38 S 15 E
Devil Pond stockwater	3/1 - 11/30	0.031	10-14-1935 NW NW	11	38 S 15 E
Borrow rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 NE SE	10	38 S 15 E
Fishhole Cr. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 SW SW	10	38 S 15 E
Unnamed Str. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 NE SE	12	38 S 15 E
Lost Valley Res.rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 SE SE	12	38 S 15 E
Unnamed Pond stockwater	3/1 - 11/30	0.031	10-14-1935 SE SE	17	38 S 15 E
Fishole Cr. GS administrative	5/1 - 11/30	0.5	8-21-1906 SW NE	19	38 S 16 E
Fishole Cr. GS rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 SW NE	19	38 S 16 E
Lost Burn Puddle rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 SWSW	22	38 S 16 E
Long Prarie PD rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 Lot 6	34	38 S 16 E
Lapham Res. rd/fire prot.	5/1 - 11/30	0.223	8-21-1906 Lot1	6	39 S 16 E
TOTAL		3.769cfs			

6. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.* and the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590.
7. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

8. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, administration and for fire suppression. The USFS is entitled under the Bureau of Land Management Land Exchange Act of April 14, 1934, Pub. L. No. 151, 48 Stat. 590, to water for stockwater, road construction and maintenance and fire protection purposes.
9. The portion of the claim for Organic Act and Bureau of Land Management Land Exchange Act purposes is APPROVED.
10. The portion of the claim for MUSYA purposes is denied.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "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. **388**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. This claim is for the following sources, uses, seasons of use by beginning date through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Brown Water	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	NWSW 32	36 S	13 E
Whiskey John Pond	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	NWSE 35	36 S	13 E
Deming Cr.	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	SWSW 10	36 S	15 E
Boyd Spring	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	NESW 4	36 S	15 E
Buzz Spring	rd/fire protect	5/1 - 11/1	0.223	8-21-1906	SWNE 5	36 S	15 E
Yllw.Jkt.Spr.Pd	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SWSE 13	37 S	12 E
Rock Pit	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SENE 18	37 S	13 E
Chipmunk Spr.	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SESW 6	37 S	13 E
Mineral Crk.	rd/fire protect	5/1 - 11/1	0.223	4-15-1961	SESE 8	37 S	13 E

TOTAL 2.23 cfs

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes is APPROVED
9. The claim for MUSYA purposes 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. **389**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Whiskey Crk.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW 13	37 S	11 E
Vic Reservoir	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	Lot 3	7 37 S	12 E
Charcoal Pond	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW 9	37 S	12 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.223	11-15-1974	NW SW 27	33 S	8 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.557	11-15-1974	SW NE 9	34 S	8 E
Sprague River	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW 21	34 S	8 E
Sprague River	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE 29	34 S	8 E
Unnamed Res.	rd/fire prot.	5/1 - 11/1	0.223	11-15-1974	SW NE 8	34 S	8 E
Prairie Res.	rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SE 27	34 S	9 E
Wolff Ranch	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SW SW 32	34 S	9 E

Buck Spr. Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NW	27	34	S	11E
Sprague River/ rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	Lot 21	3	35	S	7E
Chiloquin Dam								
Borrow Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	12	35	S	8E
Unnamed Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NW NE	12	35	S	8E
Nut Pond rd/fire prot.	5/1 - 11/1	1.114	4-15-1961	NE NW	13	35	S	8E
Crystal Castle rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	LOT 3	18	35	S	8E
Culvert								
Vanderkamp Pd.rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE NW	34	35	S	8E
Mouth S'Ocholis rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	8	35	S	9E
Canyon								
Quarry Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SW	15	35	S	9E
Cedar Spr Clvt rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SW SW	20	35	S	9E
Cedar Spring rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SWSW	20	35	S	9E
N Fk Trout Crk rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SWSW	35	35	S	9E
Pothole Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NW SE	6	35	S	10E
Hightable rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	9	35	S	11E
Logging Camp rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NWNW	3	36	S	8E
Pond								
A Paw Pond rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE NE	4	36	S	8E
Edgewood Res. rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NE SE	25	36	S	8E
Trout Cr. Clvt rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NW	15	36	S	9E
S. Fk Trout Crk. rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW SE	15	36	S	9E
Trout Cr. Ranch rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NW	16	36	S	9E
Jims Reservoir rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NWNW	28	36	S	9E
Unnamed Clvrt. rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	29	36	S	9E
Unnamed Clvrt. rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NE NE	29	36	S	9E
Unnamed Clvrt. rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	29	36	S	9E
Cherry Crk. Spr. rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW	27	36	S	10E
Switchback Pnd rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SW NE	29	36	S	10E
Yainax GS Spr. admin/dom.	5/1 - 11/1	0.06	4-15-1961	NW NE	33	36	S	10E
Yainax Pond rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	NW NE	33	36	S	10E
N. Rim Cliney rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SE SE	28	36	S	11E
Flat								
Yainax Ridge rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	NWSW	33	36	S	11E
Culvert								
Little Rim Res. rd/fire prot.	5/1 - 11/1	0.223	4-15-1961	SW NE	03	37	S	11E
TOTAL		16.551 cfs						

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.
9. The claim for MUSYA purposes 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

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

Claim No. **390**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Cedar Spring	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	SWNW 23	32 S	6 E
Annie Crk Brg.	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	SE SE	25 32	S 6 E
Gooseneat Spr.	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	NE NW 33	32 S	6 E
Sevenmile Hdgt.	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	SE SE	11 33	S 6 E
Cody's Bear Camp	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	NWSW 11	33 S	6 E
Sevenmile GS Bridge	rd/fire prot.	5/1 - 11/1	0.557	6-04-1897	SE SE	14 33	S 6 E
Sevenmile Dtch	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	NE SE	14 33	S 6 E
Klamath Pt. Pd	rd/fire prot.	5/1 - 11/1	0.223	6-04-1897	SE SE	21 33	S 6 E
Stans Spring	rd/fire prot.	5/1 - 11/1	1.114	6-04-1897	SE NE	23 33	S 6 E

Ft. Klamath	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	LOT 22 15 33 S 7.5 E
Fort Creek	rd/fire prot.	5/1 - 11/1	0.557	4-15-1961	SE NW 23 33 S 7.5 E

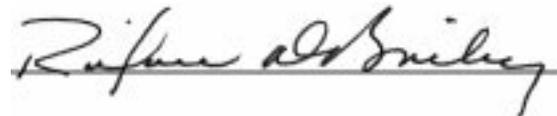
TOTAL 6.796. cfs

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.
9. The claim for MUSYA purposes 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. **391**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
ThreeMile Clvt rd/fire prot.		5/1 - 11/1	0.557	6-4-1897	LOT 23	02 34 S	6 E
ThreeMile Qry rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	LOT 18	02 34 S	6 E
ThreeMile rd/fire prot.		5/1 - 11/1	1.114	6-4-1897	LOT 18	03 34 S	6 E
Rock Dam							
C. Thompson rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	LOT 10	04 34 S	6 E
Pond							
Threemile Clvt rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	LOT 28	05 34 S	6 E
Lucy's Lake rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	NE NW	08 34 S	6 E
Nannie Crk rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	SE SW	10 34 S	6 E
Lather Mt. rd/fire prot.		5/1 - 11/1	0.223	6-4-1897	NW NE	17 34 S	6 E
Access							

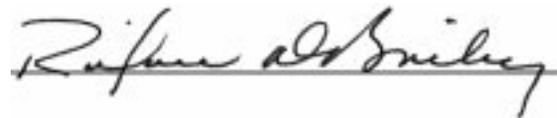
Cherry Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SE NE	22	34 S	6 E
Rock Creek	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	NE SE	03	35 S	6 E
Rock Creek	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SW NW	03	35 S	6 E
Auxiliary								
Malone Spr.	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 1	14	35 S	6 E
Boatramp								
Rocky Pt.	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	LOT 5	35	35 S	6 E
Boatramp								
Pelican Cut	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	SE NE	10	36 S	6 E
Canal								
Odessa Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	24	36 S	6 E
Barkley Spr.	rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	LOT 11	06	37 S	9 E
TOTAL			8.802 cfs					

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.
9. The claim for MUSYA purposes 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. **392**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Cold Spring	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE NW	12 35 S	5 E
Big mdw. Clvt.	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SE SE	14 35 S	5 E
Big Meadow Pothole	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE SW	14 35 S	5 E
Lost Creek	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NW SW	24 35 S	5 E
Lost Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	26 35 S	5 E
Unnamed Pond	rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE SW	11 36 S	5 E
Fourmile Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	14 36 S	5 E
Billie Creek	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW SW	16 36 S	5 E
Lake Bernice	rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NWNW	16 36 S	5 E

Cascade Canal rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NE SE	20	36 S	5 E
Unnamed Res. rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NE NW	26	36 S	5 E
Billie Creek rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	33	36 S	5 E
Trib Seldom Cr. rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW SE	36	36 S	5 E
Varney Creek rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 8	9	36 S	6 E
Wamplers Ditch rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NE	9	36 S	6 E
Fourmile Flat rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	SE SE	18	36 S	6 E
Fourmile Fire rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SW NE	18	36 S	6 E
Chance							
Fourmile Qrry rd/fire prot.	5/1 - 11/1	1.114	6-4-1897	NW SE	18	36 S	6 E
Unnamed Res/ rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SW NW	28	36 S	6 E
Spring							
Unnamed rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	NW SW	28	36 S	6 E
Pothole							
Varney Ck Clvt rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NW NE	28	36 S	6 E
Rainbow Bay rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	LOT 6	3	37 S	5 E
Dry Creek Bay rd/fire prot.	5/1 - 11/1	0.223	6-4-1897	SE NE	4	37 S	5 E
Dry Creek rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SWNE	4	37 S	5 E
Rainbow Crk rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	SWNE	22	37 S	5 E
Upr Rainbow Crk rd/fire prot.	5/1 - 11/1	0.557	6-4-1897	NWSE	22	37 S	5 E

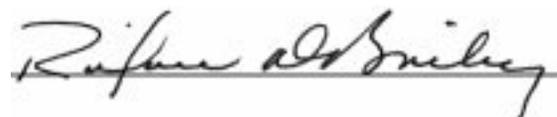
TOTAL 12.427cfs

5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.
9. The claim for MUSYA purposes 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. **393**
USFS claim

Current Claimant(s) of Record:

United States of America,
Forest Service
1220 S.W. 3rd, Room 1734
Portland OR 97204

United States of America,
Forest Service

This preliminary evaluation takes into consideration all information available as of August 13, 1999.

ELEMENTS OF CONSUMPTIVE USE CLAIM FOR NATIONAL FOREST PURPOSES

1. Claims for a implied federal reservation of water under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, for the purpose of furnishing a continuous supply of timber include claims for consumptive uses of water for road, fire protection, domestic and administrative purposes. Claims for road, fire protection, domestic and administrative purposes with a priority of the date of reservation of lands as a National Forest are proper if the United States demonstrates as a factual matter, that the water requested is necessary to fulfill the primary purposes of the reservation.
2. Stockwatering and recreation uses are not included in Organic Act purposes.
3. No claims for MUSYA purposes are allowed or considered.

Winters v. US, 207 U.S. 564 (1908); *U.S. v. New Mexico*, 438 U.S. 696, 700 (1978); *Cappaert v. U.S.*, 426 U.S. 128, 141 (1976); *Avondale Irrig. Dist. v. North Idaho Props*, 577 P.2d 9, 18 (1978); *United States v. Adair*, 478 F.Supp 336 (1979).

CLAIM INFORMATION / FINDINGS OF FACT

4. The allowable portion of this claim is for the following sources, uses, seasons of use by beginning through ending date, quantities of water in cfs, priorities and places of use:

<u>Source</u>	<u>Use</u>	<u>Season</u>	<u>cfs</u>	<u>Priority</u>	<u>¼ - ¼</u>	<u>Sec Twn.</u>	<u>Rng.</u>
Trib to Buck Lake rd	fire prot.	5/1 - 11/1	0.223	6-21-1956	SE SE	03 38 S	5 E
Fire Chance rd	fire prot.	5/1 - 11/1	0.557	6-21-1956	SE SW	04 38 S	6 E
790 Culvert rd	fire prot.	5/1 - 11/1	0.6	6-21-1956	SE NW	07 38 S	6 E
Spencer Creek rd	fire prot.	5/1 - 11/1	1.114	6-21-1956	NW SE	18 38 S	6 E
N Fk Spencer Ck rd	fire prot.	5/1 - 11/1	0.223	6-21-1956	SE NW	18 38 S	6 E
TOTAL			2.717 cfs				

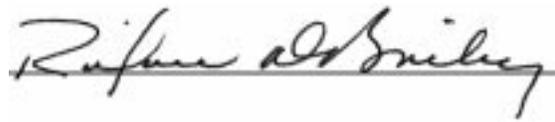
5. The claim is based on the Organic Act of 1897, 16 U.S.C. §473 *et seq.*
6. The claimed priority date for each use is based on the date the federal reservation was

created.

CONCLUSION

7. The USFS is entitled under the Organic Act of 1897, 16 U.S.C. §473 *et seq.*, to reserved water from the above-listed sources for the purposes of road construction, maintenance and dust suppression of roads necessary for timber production, harvesting and protection for fire, and for fire suppression. The USFS is not entitled to stockwater uses under the Organic Act of 1897.
8. The claim for Organic Act purposes, excluding any claim for stockwater or recreation, is APPROVED.
9. The claim for MUSYA purposes is DENIED.

Dated the 4th day of October, 1999.

A handwritten signature in black ink, appearing to read "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. **394**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 5 East, W.M.

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

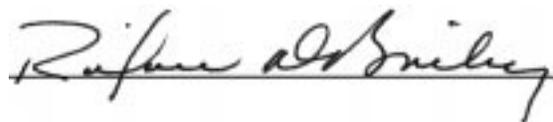
CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,659 feet above mean sea level in Big Meadows, tributary to Lost Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The 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. **395**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

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

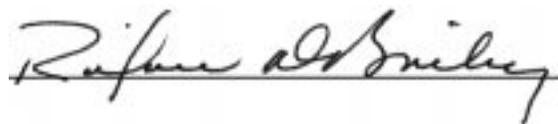
CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,869 feet above mean sea level in Bull Swamp, tributary to Billie Creek, for Outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The 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. **396**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 35 South, Range 16 East, W.M.

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

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 7,385 feet above mean sea level in Deadhorse Lake, tributary to Dead Cow Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the Fremont National Forest, which was created before the passage of MUSYA. MUSYA creates no reserved rights. The 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. **397**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

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

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,906 feet above mean sea level in Lake Aphis, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The 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. **398**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

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

CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,938 feet above mean sea level in Lake Bernice, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The 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. **399**
Federal Reserve Claim

Current Claimant(s) of Record:

United States of America, Forest Service
1220 SW 3rd, Room 1734
Portland, OR 97204

Original Claimant(s):

United States of America, Forest Service

The general location of the claimed use is Township 36 South, Range 5 East, W.M.

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

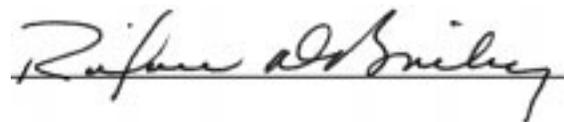
CLAIM INFORMATION / FINDINGS OF FACT

1. The claim is for the volume of water necessary to maintain the minimum lake level elevation at 5,932 feet above mean sea level in Lake Clovis, tributary to Billie Creek, for outdoor recreation, range, timber, watershed, wildlife and fish pursuant to the Multiple Use Sustained Yield Act, June 12, 1960, 16 USC 528 *et. seq.*
2. The claim is based on the Multiple Use Sustained Yield Act.
3. The claimed period of use is January 1 through December 31 of each year.
4. The claimed priority date is June 12, 1960.

CONCLUSION

5. The Forest Service has asserted that it is entitled to the claimed flows under the Multiple Use Sustained Yield Act (MUSYA). The United States Supreme Court has determined, in *U.S. v. New Mexico*, 438 US 696 (1978), that by enacting MUSYA, Congress did not change or add to the primary purpose of a forest created before MUSYA. Therefore, Congress did not reserve additional water for such forests when it enacted MUSYA. These claims are for flows within the portion of the Winema National Forest which was created before the passage of MUSYA. MUSYA creates no reserved rights. The claim is denied.

Dated the 4th day of October, 1999.



Richard D. Bailey, Adjudicator

Klamath Basin General Stream Adjudication