

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of)	CORRECTED PARTIAL ORDER OF
SIDNEY E. VIDRICKSEN;)	DETERMINATION
RUSSELL E. GMIRKIN; AND)	
VASIA (TOM) GMIRKIN)	Water Right Claim 183

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

**A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS
TO THE PROPOSED ORDER**

1. Claim 183 (Claimants: SIDNEY E. VIDRICKSEN, RUSSELL E. GMIRKIN, AND VASIA (TOM) GMIRKIN) and its associated contests (3173, 3405, 3835, 4177) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Consolidated Cases 124, 126, and 127¹.
2. The Office of Administrative Hearings conducted contested case proceedings and issued a PROPOSED ORDER (Proposed Order) for Claims 177, 182, and 183 on July 22, 2004.
3. Exceptions were filed to the Proposed Order within the exception filing deadline by the United States, the Klamath Tribes, and Claimants. Responses to exceptions were timely filed by the United States and Claimants.
4. The exceptions filed to the Proposed Order along with responses to the exceptions have been reviewed and considered in conjunction with the entire record for Claims 177, 182, and 183, and are found to be persuasive in part; therefore, modifications are made to the Proposed Order as described in Sections A.7, A.8, and A.9, below.
5. The evidentiary record for Claims 177, 182 and 183 is identical. For this reason, and because of the similar history of development for the lands underlying each of these claims, this Partial Order of Determination does not modify the Proposed Order for the

¹ Claim 177 (Case 124), Claim 182 (Case 126), and Claim 183 (Case 18) were consolidated by Order for hearing. (See ORDER GRANTING MOTION TO RESET AND MOTION TO CONSOLIDATE, June 21, 2002.)

sole purpose of separating out the portions of the Proposed Order that pertain only to Claim 183.

6. The Proposed Order is adopted and incorporated with modifications, into this Partial Order of Determination as follows:
 - a. The “History of the Case” is adopted in its entirety.
 - b. The “Evidentiary Rulings” is adopted in its entirety.
 - c. The “Issues Presented” is adopted in its entirety.
 - d. The “Findings of Fact” is adopted with modifications, as set forth in Sections A.7, below.
 - e. The “Conclusions of Law” is adopted with modifications, as set forth in Section A.8, below.
 - f. The “Opinion” is replaced in its entirety, as set forth in Section A.9, below.
 - g. The “The “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 183. Consistent with Sections A.7, A.8 and A.9, below, the outcome of the Order has been modified to restrict the recognized purposes of use to irrigation and livestock, and to identify the appropriate priority dates as August 16, 1879 and December 31, 1899.
7. **Findings of Facts.** The Proposed Order’s “Findings of Fact” section is modified as shown below. Additions are shown in “underline” text, deletions are shown in “~~strikethrough~~” text.

a. *Modified Proposed Order Finding of Fact 10*

10. From the time title was acquired to the properties by their first record holders other than the United States, until the flow of the Klamath River came under control through construction of dams, after 1909, the properties were subjected to ~~irrigation by natural overflow from the Klamath River on a seasonal basis, and were used for grazing and hay.~~ (Ex. 124E00002002 at 17-32.) The claimed lands not included within the Miller Swamp Land Deed were beneficially used for haying and grazing no later than December 31, 1899. *Id.* In the early years of the 20th century, berms and ditches were constructed to control the flow of water on the property. (Ex 124E00002002 at 26, 31.) After the Klamath River was controlled, the properties were irrigated through a series of ditches, drawing water directly from the Klamath River. (Ex. 124E00007006 at 18.)

Reasons for Modifications: The deleted text is not supported by a preponderance of evidence in the record. The additional text reflects earliest date by which a preponderance of evidence supports beneficial use of water on lands not included within the Miller Swamp Land Deed.

8. **Conclusions of Law.** Within the section titled “Conclusions of Law” of the Proposed Order, Conclusions #1, 2, 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 19, and 20 are modified as follows (additions are shown in “underline” text, deletions are shown in “~~strikethrough~~” text):

- (1) There is sufficient evidence to support a portion of the right claimed.
- (2) The record supports the rate, duty, ~~actual use~~, points of diversion and acreage as allowed in the Preliminary Evaluations.
- (3) The record establishes use of water for irrigation and livestock. ~~as claimed.~~
- (5) The claimed use of water prior to February 24, 1909 for wildlife habitat is not supported by a preponderance of the evidence in the record. ~~is not wasteful.~~
- (6) ~~Claimants have not changed the use of water from irrigation to wildlife without complying with Oregon Statutory procedures for securing a change in use.~~ To the extent that water is held in ponds on the property solely for use by wildlife, this constitutes an impermissible change in use as a result of injury to other water users.
- (7) Claimants are using the water for the claimed irrigation and livestock uses.
- (8) Claimants’ use of water for irrigation and livestock is not detrimental to contestants’ water rights.
- (11) The claimed uses for irrigation and livestock were ~~was~~ developed within a reasonable time of the established date of appropriation. Under the facts in this case, beneficial use of natural overflow was sufficient to establish a vested right for irrigation and livestock purposes without the construction of irrigation works. ~~The record establishes the completion of works within a reasonable time after beginning construction or use of water.~~

(13) The claimed right for wildlife habitat is denied. It is therefore unnecessary to reach the issue of the use's consistency with the Klamath River Basin Compact.
~~has not been shown to have violated the Klamath River Basin Compact.~~

(14) The claimed right for wildlife habitat is denied. It is therefore unnecessary to reach the issue of whether the rights for wildlife habitat are subordinate to domestic and irrigation use pursuant to the Klamath River Basin Compact. The evidence is sufficient to establish the relative priorities of rights for wildlife habitat and domestic and irrigation rights pursuant to the Klamath River Basin Compact.

(15) There is sufficient information on the development of water on this place of use prior to February 24, 1909, to establish a vested pre-1909 water right for irrigation and livestock uses.

(16) Natural flooding/~~subirrigation~~/natural overflow may form the basis for ~~gives rise to~~ a valid water right.

(19) An intent as of the established priority date to divert water or make beneficial use of natural overflow for wildlife has not been demonstrated.

(20) It is both unnecessary and inappropriate in this proceeding to determine the sources of water that may be subject to a call based on the right recognized for this claim. This issue will be addressed, if the need should arise, in the context of regulation of water use by the OWRD Watermaster. The waters from Four Mile Lake and Fish Lake, together with the flood, storm, springs, new, developed, discovered, salvaged, excess, reclaimed, surplus and captured waters thereof and their tributary including all water which may drain or flow into Cascade Canal connecting Four Mile Lake and Fish Lake may be "water available" for appropriation under the Klamath Adjudication.

Reason for Modifications: The evidence on the record, as described in the modified findings of fact, and the application of the appropriate legal bases to the evidence on the

record, as described in the modified opinion section, below, supports conclusions other than those in the Proposed Order.

9. **Opinion.** The “Opinion” section of the Proposed Order has been replaced in its entirety with the following:

The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.

1. Evidence of beneficial use

The Claimants have submitted Swamp Land Deeds covering most of the claimed place of use. The effect of these deeds depends on the circumstances in which they were issued. The Swamp Land Act of 1870 (“1870 Act”) required proof of reclamation in order to obtain a deed. The definition of “reclamation” provided in the 1870 Act is consistent with the application of water to beneficial use for irrigation. The 1870 Act placed no restrictions on the number of acres for which an applicant could obtain a deed. The 1870 Act permitted the sale of swamp lands for a minimum of \$1 per acre. The Swamp Land Act of 1878 (“1878 Act”) altered some of the provisions of the 1870 Act. An applicant under the 1870 Act could, under the terms of the 1878 Act, obtain a deed without proof of reclamation by payment of \$2.50 per acre. (Section 10, p46). Otherwise, an applicant under the 1870 Act would still need to submit proof of reclamation. An applicant making an application under the terms of the 1878 Act (i.e., making an initial application after the effective date of the 1878 Act) could obtain a deed by payment of a minimum of \$1 per acre without proof of reclamation. (Section 4, 42). Applications under the terms of the 1878 Act were limited to 320 acres per applicant. *Id.*

The Swamp Land Act of 1887 (“1887 Act”) made further changes affecting applicants under the 1870 and 1878 Acts. The 1887 Act voided any applications made under the 1870 Act that had not been “reclaimed or paid” by the effective date of the 1887 Act, with the exception that such applicants who were also “actual settlers on lands of 320 acres or less” and who had paid a 20 percent down payment prior to the effective date of the 1887 Act could obtain a deed without proof of reclamation. In addition, applicants under the 1870 Act who had paid their 20 percent down payment prior to January 17, 1879, could obtain a deed without proof of reclamation. Deeds issued under this provision were limited to 640 acres. Any additional sales of swamp lands after the effective date of the 1887 Act were to be made in the same manner as provided in the 1878 Act (i.e., without requiring proof of reclamation). The 1887 Act went into effect on February 16, 1887.

Although the history of the Swamp Land Acts is somewhat convoluted, their effects on Swamp Land Deeds as evidence of beneficial use of water is straightforward. Any deed issued before the effective date of the 1878 Act was issued based on proof of reclamation. While swamp act deeds and State Land Board minutes do not contain direct testimony concerning the application of water to beneficial use, the findings required of

the State Land Board in order to complete the conveyance of the land to the applicants constitute substantial evidence of beneficial use of water.²

Conversely, any deed issued after the effective date of the 1887 Act does *not* constitute proof of beneficial use for irrigation by a preponderance of the evidence. Applicants under the 1870 Act were thereafter excused from proof of reclamation, and applicants under the 1878 and 1887 Acts had never been required to provide such proof.

This leaves deeds issued between the effective dates of the 1878 and 1887 Acts. Their use as evidence of beneficial use for irrigation is dependent on the terms of the deed. Because applicants under the 1878 Act were restricted to 320 acres, any deed exceeding that amount is proof of beneficial use for irrigation by a preponderance of the evidence, *if* the price of the deed is less than \$2.50 per acre. Conversely, a deed issued in this time period for up to 320 acres is insufficient proof of beneficial use for irrigation, *unless* there is some other evidence that the application was made under the 1870 Act, and not the 1878 Act (including a statement by the land board that proof of reclamation had been provided). Further, any deed issued in this time period for \$2.50 per acre is insufficient proof of beneficial use for irrigation.

As applied to the Swamp Land Deeds in this case, the deed issued to Miller in 1882 constitutes proof of beneficial use for irrigation, because the deed was issued for 2,194.61 acres on payment of \$1 per acre. (124E00007006, Ex 4 and 5.) In addition, the minutes of the land board state that Miller submitted proof of reclamation. (*Id.*) This deed was issued on August 16, 1882. Because swamp lands were required to have been reclaimed for three years prior to issuance of a deed, the priority date for the portion of the claimed place of use covered by this deed is August 16, 1879.

The remaining deeds are not sufficient proof of beneficial use for irrigation. The Small and Logan deeds were issued after the effective date of the 1887 Act. The Callaghan deed was issued in 1886, but was issued for payment of \$320 for the NW¹/₄ of Section 36. The NW¹/₄ is less than 320 acres, and there is no additional proof of reclamation accompanying the deed. While it is possible that beneficial use on this land was made prior to the issuance of the deed, the burden of proof lies with the Claimants.

Although there is evidence supporting use on the claimed land as early as 1858, the evidence does not support application for transfer of these lands into private ownership during this period. While it is not always necessary for the owner of the land and the appropriator of the water to be the same in order to perfect a water right, there is no support for the position that private citizens could appropriate water for the benefit of swamp lands owned by the State before an application was filed for the lands under the Swamp Land Acts.

Other evidence of beneficial use on the claimed land is centered around the turn of the 19th century. Four separate witnesses provided affidavits in support of beneficial use

² The United States has submitted evidence suggesting that the process of conveyance of land under the Swamp Land Acts was subject to fraud. There is no evidence of fraud with respect to these particular lands, however, and OWRD does not conclude that the regular proceedings of a State entity are subject to a presumption of fraud.

on the claimed property during this time period. First, Frank Anderson states that an area including the claimed lands was irrigated and controlled by dikes and other water control “prior to the turn of the century.” (OWRD Ex 1 at 31.) Second, Julian Ager states: “My father, in different years, harvested hay from across the river on Miller Island in Sections 35 and 36 and hauled his hay across on a barge which he built.” (OWRD Ex 1 at 17.) Ager’s mother is the daughter of OA Stearns, who owned land across the river from Miller Island. Ager’s mother married Ager’s father in 1900 “and having secured 120 acres from her father they built their home in which I was born.” (*Id.*) It is possible that Ager’s father’s harvesting of hay from the claimed place of use occurred as early as 1900. Third, Winston Patterson states that his father, Clyde Patterson, put up hay on the Furber place, and that it was farmed and ranched since prior to the turn of the century. (*Id.* at 26.) Finally, Barney Hooper makes the following statement concerning a conversation he had with “Mr. Jess Johnson”: “Mr. Jess Johnson knew that in the late 1800s they put up meadow hay and ran cows on all the ground on Miller Island, including the ground presently owned by the Furber family, including Ruth Anderson.” (*Id.* at 23.)

All of these statements are hearsay. However, the consistency of the statements increases their reliability. Based on the combined weight of these statements, it is more likely than not that haying and grazing was occurring on the claimed land prior to 1909. Each of the statements places water use around the turn of the century, but none of the statements is precise. Without the evidence to more accurately fix a date for beneficial use, the most appropriate priority date for the claimed lands not covered by the Miller Swamp Land Deed is December 31, 1899.

2. Purposes of Use

The claimed purposes of use of water are irrigation, livestock, and wildlife. As described above, the claimed place of use was beneficially used for irrigation and livestock prior to 1909. There is insufficient evidence of intent to establish a separate wildlife use prior to 1909. The only evidence is that waterfowl landed on standing water on the property, and that some incidental hunting may have occurred.³ This is insufficient to constitute an intentional development of a beneficial use for wildlife purposes. In addition, there is no evidence that use or practices with respect to wildlife have changed significantly since 1909. The claimed wildlife use is denied.

3. Place of Use

The places of use for each of the claims are listed in the Water Right Claim Description, below. Any parts of the places of use within Government Lots 2 through 9 in Section 35, Township 39 South, Range 8 East, W.M., are entitled to a priority date of August 16, 1879, as described above. The remaining parts of the places of use are entitled to a priority date of December 31, 1899.

³ Evidence of use of the land for hunting by members of the Klamath Tribes prior to private ownership of the land or a private claim on the land (such as a Swamp Land Act application) would be relevant only to a determination of rights arising from the Klamath Treaty of 1864, and not to the type of water right claimed here.

4. Duty

No specific duty was claimed for Claims 177, 182, and 183. In the absence of evidence to the contrary the Adjudicator's standard duty of 3.5 acre-feet per acre for irrigation, as described in Appendix A to the Preliminary Evaluation, is applicable to rights recognized for these claims. (OWRD Ex. 1 at 471-73.)

5. Rate

Each of Claims 177, 182 and 183 claimed a rate of 31 cfs for irrigation (broken out into 8 cfs from POD # 1⁴ and 23 cfs from POD #2), 1 cfs for livestock water, and 3 cfs for wildlife. (OWRD Ex. 1 at 3, 154, 311.) Although not clear from the claim documents, it is evident from later filings and testimony that these rates are intended to apply to the combined total of the places of use claimed in Claims 177, 182, and 183.

Both OWRD's Preliminary Evaluation and the Proposed Order found this rate to be excessive, and allowed a rate based on the Adjudicator's standard rate of 1/40th cfs/acre multiplied by the number of acres claimed.⁵

The testimony in support of the rates claimed states that the higher rate enables irrigation water to be applied more quickly. (Hearing Transcript at 172.) There is insufficient evidence, however, that this irrigation practice (which constitutes diversion at more than double the Adjudicator's standard rate) is necessary to accomplish the intended beneficial use. The irrigation rates determined in the Proposed Order and the Preliminary Evaluation for these claims are appropriate. The rates are as follows:

Claim 177:

POD 1: 0.78 cfs for irrigation of 31.2 acres;
POD 2: 4.11 cfs for irrigation of 164.2 acres;
4800 gallons per day for 400 head

Claim 182:

POD 1: 1.78 cfs for irrigation of 71.2 acres
POD 2: 2.98 cfs for irrigation of 119.3 acres
4800 gallons per day for 400 head

⁴ Claim 183 claimed 7.6 cfs for irrigation from POD # 1, instead of 8 cfs.

⁵ The Proposed Order concluded that the Claimants were limited to the rates listed in the Preliminary Evaluation because the Claimants did not file a contest to the Preliminary Evaluation. The Proposed Order's reasoning is in error. A claimant's burden in a contested case hearing in an adjudication under ORS Chapter 539 is to prove the claim elements. A claimant is not required to contest OWRD's Preliminary Evaluation in order to preserve the ability to meet that burden. The Preliminary Evaluation was OWRD's analysis of adjudication claims based on the evidence available to OWRD at the time. It does not prevent a claimant from presenting further evidence in support of the Claimants' claim during the contested case proceeding.

Claim 183:

POD 1: 0.83 cfs for irrigation of 33.2 acres
POD 2: 2.81 cfs for irrigation of 112.6 acres
POD 1 & POD 2 - COMINGLED WATER: 34.3 acres
4800 gallons per day for 400 head

6. Season of Use

Claimants contend that the period of use for irrigation is year round. Each of the claims divided the irrigation season into two parts: “April 1 – October 31” and “winter for pre-crop irrigation.” (OWRD Ex. 1 at 6, 172, 317.) The evidence does not support a year-round season for irrigation. Instead, prior to 1909, the land would begin flooding “in the early spring depending upon the snowpack and weather” and that “usually by June or July the water began to recede.” (OWRD Ex. 1 at 34.) In addition, the evidence does not support the contention that the application of water during the winter provides any benefit to crop growth that could not be accomplished through application of water during a more typical irrigation season. The April 1 through October 31 irrigation season recognized in the Proposed Order is supported by the evidence, and is incorporated herein.

7. Abandonment

“Abandonment” is a question of fact, requiring evidence of an intentional forsaking or desertion, as well as a failure to use the water. *In re Willow Creek*, 74 OR 592 (1914); *Wimer v. Simmons*, 27 Or 1, 12 (1895). A sufficiently long period of non-use can, depending on the circumstances, constitute evidence of an intent to abandon. *See, e.g., In the Matter of the Clark Fork River*, 902 P2d 1353 (Mont 1996).

In this case, there was a considerable period of non-use after the Keno Dam was built in the 1930s. It cannot be said, however, that the water right was “abandoned” for non-use, since there is no evidence of such an intention. To the contrary, the flooding of the property as a result of the dam was the cause of extensive discussion, and, eventually the threat of litigation against COPCO, the dam owner, that resulted in construction of a dike to protect the property from flooding. Under these circumstances, the period of non-use does not constitute evidence of an intent to abandon the water right.

8. Over-appropriation / Interference with the Klamath Reclamation Project

No substantial evidence was presented on these issues. In addition, in the context of this adjudication, the question of “over-appropriation,” or water shortage, is properly addressed as a matter of regulation by the watermaster according to the doctrine of prior appropriation. It will not be addressed here.

Reasons for Modifications: To apply the correct legal standards with respect to the effect of Swamp Land Deeds and the effect of a failure to contest the Adjudicator’s Preliminary Evaluation to the findings of fact; to determine the appropriate priority dates, diversion rates, season of use, and purposes of use based on the evidence in the record; to make various clarifications with respect to the legal reasoning supporting the conclusions of law.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated with modifications, into this Partial Order of Determination as follows:
 - a. The “History of the Case” is adopted in its entirety.
 - b. The “Issues” is adopted in its entirety.
 - c. The “Evidentiary Rulings” is adopted in its entirety.
 - d. The “Findings of Fact” is adopted with modifications, as set forth in Section A.7, above.
 - e. The “Conclusions of Law” is adopted with modifications, as set forth in Section A.8, above.
 - f. The “Opinion” is replaced in its entirety, as set forth in Section A.9, above.
 - g. The “The “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 183. Consistent with Sections A.7, A.8 and A.9, above, the outcome of the Order has been modified to restrict the recognized purposes of use to irrigation and livestock, and to identify the appropriate priority dates as August 16, 1879 and December 31, 1899.
2. The elements of a pre-1909 claim are established with respect to irrigation and livestock uses. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 183 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 183

CLAIM MAP REFERENCE: OWRD INVESTIGATION MAP – T 39 S, R 8 E

CLAIMANT: SYDNEY E. VIDRICKSEN
RUSSELL E. GMIRKIN
VASIA (TOM) GMIRKIN
5818 MARYLAND AVE
KLAMATH FALLS OR 97603

SOURCE OF WATER: The KLAMATH RIVER, tributary to the PACIFIC OCEAN

PURPOSE OR USE:
IRRIGATION OF 180.1 ACRES AND LIVESTOCK WATERING OF 400 HEAD

RATE OF USE:

4.5074 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:

4.50 CFS FOR IRRIGATION MEASURED AT THE POINT OF DIVERSION, BEING 0.83 CFS FROM POD 1; 2.81 CFS FROM POD 2; 0.86 CFS COMINGLED WATER FROM POD 1 & POD 2; AND

0.0074 CFS FOR LIVESTOCK WATERING MEASURED AT THE PLACE OF USE, NOT TO EXCEED 4800 GALLONS PER DAY.

DIVERSION OF STOCK WATER TO THE PLACE OF USE IS LIMITED TO THAT WHICH HAS BEEN HISTORICALLY DIVERTED FOR BENEFICIAL USE AND IS REASONABLY NECESSARY TO TRANSPORT THE WATER.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/40 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

DUTY:

3.5 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

PERIOD OF ALLOWED USE:

Use	Period
Irrigation	April 1 - October 31
Livestock	January 1 - December 31

DATES OF PRIORITY:

AUGUST 16, 1879: IRRIGATION OF 49.8 ACRES (AS LISTED BELOW) FOR A TOTAL OF 1.24 CFS OF WATER AND LIVESTOCK WATERING

DECEMBER 31, 1899: IRRIGATION OF 130.3 ACRES (AS LISTED BELOW) FOR A TOTAL OF 3.26 CFS OF WATER AND LIVESTOCK WATERING

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

POD Name	Twp	Rng	Mer	Sec	Q-Q	GLot
POD 1	39 S	8 E	WM	26	SW NE	6
POD 2	39 S	8 E	WM	35	SW NW	4

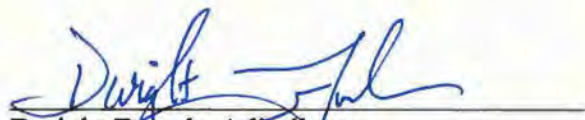
THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION and LIVESTOCK WATERING								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD	Priority Date
39 S	8 E	WM	35	NW NE	8	10.0	POD 1	AUGUST 16, 1879
39 S	8 E	WM	35	SE NE	9	6.0		
39 S	8 E	WM	35	NW NW	5	17.2	POD 2	
39 S	8 E	WM	35	SE NW	6	3.0		
39 S	8 E	WM	35	SW NW	4	13.6	POD 1	
39 S	8 E	WM	35	NW NE	11	16.4		
39 S	8 E	WM	35	SW NE		0.8		DECEMBER 31, 1899

IRRIGATION and LIVESTOCK WATERING								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD	Priority Date
39 S	8 E	WM	35	NW NE	11	9.8	POD 2	DECEMBER 31, 1899
39 S	8 E	WM	35	SW NE		0.3		
39 S	8 E	WM	35	NE NW		40.0		
39 S	8 E	WM	35	NW NW	12	10.0		
39 S	8 E	WM	35	SE NW	13	18.7		
39 S	8 E	WM	35	NW NE	11	4.0	POD 1 & POD 2 COMINGLED WATER	
39 S	8 E	WM	35	SW NE		22.6		
39 S	8 E	WM	35	SE NE	10	5.7		
39 S	8 E	WM	35	SE NW	13	2.0		

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication