

**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 UNITED)	CORRECTED PARTIAL ORDER OF
STATES DEPARTMENT OF INTERIOR,)	DETERMINATION
U.S. NATIONAL PARK SERVICE)	
_____)	
)	Water Right Claim 602

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

A. FINDINGS OF FACT

1. Claim 602 (Claimant: UNITED STATES DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE) and its associated contests (2729, 2734, 3115, 3698, 3946) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 001.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an AMENDED PROPOSED ORDER for Claim 602 on March 26, 2002. A NOTICE OF *EX PARTE* CONTACT AND ORDER AMENDING PROPOSED ORDER was issued on April 17, 2002 to correct an error in Item 7, Appendix B at 8 (Claim 604). The AMENDED PROPOSED ORDER in conjunction with the NOTICE OF *EX PARTE* CONTACT AND ORDER AMENDING PROPOSED ORDER is herein referred to as the "Proposed Order."
3. No exceptions were filed to the Proposed Order within the exceptions filing deadline.
4. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein. In addition, a Water Right Claim Description in a format standardized by OWRD is set forth in Section B this Partial Order of Determination for Claim 602; the outcome of the Order is without modification.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.
2. The instream flows recognized pursuant to this claim are not additive to any other instream flows based on other water rights, permits or claims within the same stream reach or a portion of the same stream reach.
3. The combination of the ACT OF MAY 22, 1902, CH. 820, §1, 32 STAT. 202; the ACT OF AUG. 25, 1916, CH. 408, §2, 39 STAT. 535; the ACT OF MAY 14, 1932, CH 184, 47 STAT. 155; and PUB. L. NO. 97-250, 96 STAT. 709 (Sept. 8, 1982) are valid bases for this federal reserved water right claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING FEDERAL RESERVED WATER RIGHTS are incorporated as if set forth fully herein.
4. The GENERAL CONCLUSIONS OF LAW CONCERNING ACQUIRED LANDS are incorporated as if set forth fully herein.
5. Claim 602 is approved for future points of diversions where the source of water is Annie Creek and its tributaries within the boundary of Crater Lake National Park; however, the overall rate of water approved in this claim may not be increased. The location of any new point of diversion must be within the reaches as described in March 26, 2002 Proposed Order, Appendix B, Section 8.2, Subsections 8.2.1 (Mainstem of Annie Creek), 8.2.2 (Unnamed Tributary "Annie-1"), 8.2.3 (East Fork of Annie Creek), 8.2.4 (Unnamed Tributary "Annie-2"), 8.2.5 (Unnamed Tributary "Annie-3"), 8.2.6 (Unnamed Tributary "Annie-4"), 8.2.7 (Middle Fork Annie Creek), 8.2.8 (Unnamed Tributary "Annie-5"), 8.2.9 (Pole Bridge Creek), 8.2.10 (Munson Creek), 8.2.11 (Unnamed Tributary "Annie-6"), 8.2.12 (Goodbye Creek), and 8.2.13 (Unnamed Tributary "Annie-7").
6. Claim 602 is approved for future places of use for the purpose of domestic, administrative, wildlife watering, and/or fire protection uses within the boundaries of Crater Lake National Park as delineated in Appendix A Map (LAND RESERVATION DATES) of the March 26, 2002 Proposed Order. The priority date(s) for water use will be the priority date associated with the federal reservation of land serving as the place of use, being May 22, 1902; May 14, 1932; December 5, 1940; January 30, 1942; or December 19, 1980.
7. If new points of diversion or places of use are developed in the future, the National Park Service is required to submit a map(s) to OWRD showing the location(s) of any new point of diversion and or place of use by township, range, section and quarter-quarter. In addition, measured distances or coordinates must be provided on the map(s) for new point(s) of diversion. OWRD will record the new point(s) of diversion and/or places(s) of use and its associated priority date.
8. Based on the file and record herein, IT IS ORDERED that Claim 602 is approved as set forth in the following Water Right Claim Description.

CLAIM NO. 602

CLAIM MAP REFERENCE:

CLAIM # 602 MYLAR MAP (Oct. 1, 1999) (EXHIBIT A, ANNIE CR WATER SUPPLY SYSTEM)

CLAIMANT: UNITED STATES DEPARTMENT OF INTERIOR
U.S. NATIONAL PARK SERVICE
1201 OAKRIDGE DR, SUITE 250
FORT COLLINS, CO 80525

SOURCE OF WATER:

ANNIE CREEK AND ITS TRIBUTARIES WITHIN THE BOUNDARY OF CRATER LAKE NATIONAL PARK, tributary to the WOOD RIVER

PURPOSE OR USE:

DOMESTIC, ADMINISTRATIVE, WILDLIFE WATERING, AND FIRE PROTECTION

RATE OF USE:

1.34 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:

1.0 CFS FOR FIRE PROTECTION, AND

0.34 CFS FOR DOMESTIC, ADMINISTRATIVE AND WILDLIFE WATERING, NOT TO EXCEED 62.8 ACRE-FEET PER YEAR, BEING 62.7 ACRE-FEET FOR DOMESTIC AND ADMINISTRATIVE PURPOSES; AND 0.1 ACRE-FEET FOR WILDLIFE WATERING

PERIOD OF ALLOWED USE: JANUARY 1 – DECEMBER 31

DATE OF PRIORITY: MAY 22, 1902

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q
31 S	5 E	WM	13	NE SE

THE PLACE OF USE IS LOCATED AS FOLLOWS:

DOMESTIC, ADMINISTRATIVE, WILDLIFE WATERING, FIRE PROTECTION			
Twp	Rng	Mer	Sec
31 S	5 E	WM	13
31 S	5 E	WM	24
31 S	6 E	WM	5
31 S	6 E	WM	8
31 S	6 E	WM	9
31 S	6 E	WM	17
31 S	6 E	WM	19
31 S	6 E	WM	30

FUTURE POINT(S) OF DIVERSION AND/OR FUTURE PLACE(S) OF USE:

THE SOURCE OF WATER MUST BE ANNIE CREEK AND ITS TRIBUTARIES WITHIN THE BOUNDARY OF CRATER LAKE NATIONAL PARK.

THE RATE FOR CURRENT AND FUTURE USES MAY NOT EXCEED 1.34 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:

1.0 CFS FOR FIRE PROTECTION, AND

0.34 CFS FOR DOMESTIC, ADMINISTRATIVE AND WILDLIFE WATERING, NOT TO EXCEED 62.8 ACRE-FEET PER YEAR, BEING 62.7 ACRE-FEET FOR DOMESTIC AND ADMINISTRATIVE PURPOSES; AND 0.1 ACRE-FEET FOR WILDLIFE WATERING.

THE LOCATION OF ANY NEW POINT OF DIVERSION MUST BE WITHIN THE REACHES AS DESCRIBED IN MARCH 26, 2002 PROPOSED ORDER, APPENDIX B, CLAIM 602, SECTION 8.2:

Subsection 8.2.1

MAIN STEM ANNIE CREEK						
	Twp	Rng	Mer	Sec		Approx River Mile*
Upper Reach Boundary	31 S	5 E	WM	13	At Annie Springs	11.4
Lower Reach Boundary	32 S	6 E	WM	25	PB 58	0.0

*River miles are measured upstream from the Crater Lake National Park boundary.

Subsection 8.2.2

UNNAMED TRIBUTARY "ANNIE-1"						
	Twp	Rng	Mer	Sec		Approx River Mile*
Upper Reach Boundary	32 S	6 E	WM	3		0.6
Lower Reach Boundary	32 S	6 E	WM	10		0.0

* River miles are measured upstream from the confluence of Annie-1 with Annie Creek

Subsection 8.2.3

EAST FORK OF ANNIE CREEK						
	Twp	Rng	Mer	Sec		Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	15		4.9
Lower Reach Boundary	32 S	6 E	WM	4		0.0

* River miles are measured upstream from the confluence of the East Fork with Annie Creek

Subsection 8.2.4

UNNAMED TRIBUTARY "ANNIE-2," TRIBUTARY TO EAST FORK OF ANNIE CREEK						
	Twp	Rng	Mer	Sec		Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	27		1
Lower Reach Boundary	31 S	6 E	WM	28		0.0

* River miles are measured upstream from the confluence with the tributary.

Subsection 8.2.5

UNNAMED TRIBUTARY "ANNIE-3," TRIBUTARY TO EAST FORK OF ANNIE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	15	1.9
Lower Reach Boundary	31 S	6 E	WM	28	0.0

* River miles are measured upstream from the confluence with the tributary.

Subsection 8.2.6

UNNAMED TRIBUTARY "ANNIE-4"					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	32 S	5 E	WM	1	3.3
Lower Reach Boundary	32 S	6 E	WM	4	0.0

* River miles are measured upstream from the confluence of Annie-4 with Annie Creek

Subsection 8.2.7

MIDDLE FORK OF ANNIE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	21	2.7
Lower Reach Boundary	31 S	6 E	WM	33	0.0

* River miles are measured upstream from the confluence of the Middle Fork with Annie Creek

Subsection 8.2.8

UNNAMED TRIBUTARY "ANNIE-5," TRIBUTARY TO MIDDLE FORK OF ANNIE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	20	0.6
Lower Reach Boundary	31 S	6 E	WM	28	0.0

* River miles are measured upstream from the confluence with the tributary.

Subsection 8.2.9

POLE BRIDGE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	5 E	WM	36	1.9
Lower Reach Boundary	31 S	6 E	WM	32	0.0

* River miles are measured upstream from the confluence of Pole Bridge with Annie Creek

Subsection 8.2.10

MUNSON CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	8	4.3
Lower Reach Boundary	31 S	6 E	WM	29	0.0

* River miles are measured upstream from the confluence Munson Creek with Annie Creek

Subsection 8.2.11

UNNAMED TRIBUTARY "ANNIE-6," TRIBUTARY TO MUNSON CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	9	0.9
Lower Reach Boundary	31 S	6 E	WM	17	0.0

* River miles are measured upstream from the confluence with the tributary.

Subsection 8.2.12

GOODBYE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	17	1.4
Lower Reach Boundary	31 S	6 E	WM	30	0.0

* River miles are measured upstream from the confluence of Goodbye Creek with Annie Creek

Subsection 8.2.13

UNNAMED TRIBUTARY "ANNIE-7," TRIBUTARY TO GOODBYE CREEK					
	Twp	Rng	Mer	Sec	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	20	1.2
Lower Reach Boundary	31 S	6 E	WM	30	0.0

* River miles are measured upstream from the confluence with the tributary.

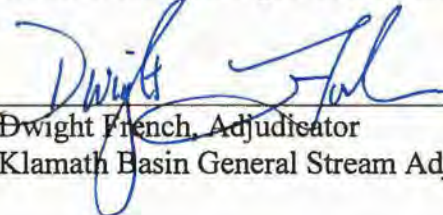
THE PLACE(S) OF USE MUST BE WITHIN THE BOUNDARIES OF CRATER LAKE NATIONAL PARK AS DELINEATED IN APPENDIX A OF THE MARCH 26, 2002 PROPOSED ORDER.

THE PRIORITY DATE(S) FOR WATER USE WILL BE THE PRIORITY DATE ASSOCIATED WITH THE FEDERAL RESERVATION OF LAND SERVING AS THE PLACE OF USE, BEING MAY 22, 1902; MAY 14, 1932; DECEMBER 5, 1940; JANUARY 30, 1942; OR DECEMBER 19, 1980.

THE NATIONAL PARK SERVICE IS REQUIRED TO SUBMIT A MAP(S) TO OWRD SHOWING THE LOCATION(S) OF ANY NEW POINT OF DIVERSION AND OR PLACE OF USE BY TOWNSHIP, RANGE, SECTION AND QUARTER-QUARTER. IN ADDITION, MEASURED DISTANCES OR COORDINATES MUST BE PROVIDED ON THE MAP(S) FOR NEW POINT(S) OF DIVERSION. OWRD WILL RECORD THE NEW POINT(S) OF DIVERSION AND/OR PLACES(S) OF USE AND ITS ASSOCIATED PRIORITY DATE.

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication