

**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)	PARTIAL ORDER OF
UNITED STATES DEPARTMENT OF)	DETERMINATION
INTERIOR, U.S. FISH AND WILDLIFE)	
SERVICE)	
_____)	Water Right Claims 308-311
)	(Upper Klamath NWR)

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. Claims 308, 309, 310, and 311 (Claimant: UNITED STATES DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE) and their associated contests (Claim 308: 2867, 3223, 3297, 3631, 3994; Claim 309: 2868, 3224, 3298, 3632; Claim 310: 2869, 3225, 3299, 3633; Claim 311: 2870, 3226, 3300, 3634) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 273.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claims 308-311 on December 15, 2006
3. Exceptions were filed to the Proposed Order within the exception filing deadline by the Klamath Project Water Users (KPWU). Exceptions were timely filed by the United States.
4. On October 31, 2012, the Adjudicator issued an AMENDED PROPOSED ORDER (Amended Proposed Order) to address impermissible claim amendments. Exceptions were timely filed to Amended Proposed Order by the United States. Responses to exceptions were timely filed by the Upper Basin Contestants.
5. The Amended Proposed Order issued on October 31, 2012, is adopted and incorporated in its entirety as if set forth fully herein.

6. The exceptions filed to the Proposed Order issued on December 15, 2006, along with opposition to the exceptions have been reviewed and considered in conjunction with the entire record for Claims 308-311. The exceptions are found to be persuasive in part, and therefore, modifications are made to the Proposed Order as described in Sections A.9, A.10, and A.11, below.
7. The exceptions filed to the Amended Proposed Order issued on October 31, 2012 have been reviewed and considered in conjunction with the entire record for Claims 308-311, and are found to be unpersuasive. Accordingly, changes were not made to the Amended Proposed Order to accommodate these exceptions.
8. 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” is adopted in its entirety.
 - d. The “Findings of Fact” is adopted with modifications, as set forth in Section A.9, below.
 - e. The “Conclusions of Law” is replaced in its entirety, as set forth in Section A.10, below.
 - f. The “Opinion” is replaced in its entirety, as set forth in Section A.11, below.
 - g. The “Order” is replaced in its entirety. Claims 308, 310 and 311 are denied. Claim 309 is approved, but limited to the quantity of water claimed by Claimant FWS by the deadline for filing claims. The Water Right Claim Description for claim 309 is set forth in Section B of this Partial Order of Determination.
9. **Findings of Fact.** The Proposed Order’s “Findings of Fact” section is modified as shown below. Additions are shown in “underline” text, deletions are shown in “~~striketrough~~” text. Reasons for the modification of each modified finding of fact are provided beneath the modified finding.

a. *Modifications to Finding of Fact 1:*

1. On April 30, 1997, the United States Department of Interior, Fish and Wildlife Service (Claimant FWS) filed Claims 308, 309, 310, and 311 for year-round water use on the Upper Klamath National Wildlife Refuge. The purpose of the Refuge was in part to protect the remaining wetland habitat along Upper Klamath Lake and also to mitigate for the loss of wetland habitat at Lower Klamath Refuge and Lower Klamath Lake. (Mauser test. at 17; Mayer test. at 6; Weddell *et al*, 1998.) Claimant FWS seeks a federal reserved water right based upon Executive Order No. 4851 (April 3, 1928) that set up the Upper Klamath National Wildlife Refuge and upon subsequent additions to the Refuge, specifically including the Migratory Bird Conservation Act, 45 Stat. 1222

(February 18, 1929) as amended; the Kuchel Act by Congress (Public Law 88-567, enacted September 2, 1964); Final Judgment on Condemnation entered on February 26, 1954; and Exchange Deed dated February 14, 1968. These additions are contiguous to the original refuge lands, ~~and~~ are being used as part of the Upper Klamath Refuge, and Claimant FWS alleges that these lands were transferred to the federal government for that purpose. The amount of water, source of water, and priority dates claimed by Claimant FWS were:

Claim 308:

20,933.2 acre-feet (af), as amended on May 7, 1999 (originally 19,077.7 af)
Crystal Creek and Upper Klamath Lake
April 3, 1928

Claim 309:

13,857.5 af, as amended on May 7, 1999 (originally 12,583.5 af)
Upper Klamath Lake
February 26, 1954

Claim 310:

8,109.9 af, as amended on May 7, 1999 (originally 7,209 af)
Upper Klamath Lake
September 2, 1964

Claim 311

609.7 af, as amended on May 7, 1999 (originally 562.3 af)
Upper Klamath Lake
February 14, 1968

Reason for Modification: Claimant FWS's ownership of the claimed place of use for Claims 308, 310 and 311 is not supported by a preponderance of evidence in the record.

b. *Modifications to Finding of Fact 7:*

7. The places of use ~~for of the federal reserved water rights under~~ Claims 308 through 311 ~~for the Refuge~~ are established by GIS mapping, and are: Claim 308— ~~6,066~~ 6.066 acres; Claim 309—4,048 acres; Claim 310—2,479 acres; and Claim 311—172 acres, for a total of 12,765 acres. (OWRD Ex. 1; Mauser and Mayer testimony and Attachment 1.)

Reason for Modification: Claimant FWS's ownership of the claimed place of use for Claims 308, 310 and 311 is not supported by a preponderance of evidence in the record.

c. *Modifications to Finding of Fact 9:*

9. The total water requirements and use under Claim 309 is 12, 583.5 acre-feet per year. (OWRD Ex. 1; Mayer test. at 14). ~~Claims 308 through 311 for the Refuge are: Claim 308— 20,933.2 acre feet per year; Claim 309— 13,857.5 acre feet per year; Claim 310— 8,109.9 acre feet per year; Claim 311— 609.7 acre feet per year; total— 43,510.3 acre feet per year. (Mayer test. at 14.) The water requirement for the Refuge equates to an average duty of 3.41 acre feet per acre.~~

Reason for Modification: The quantity of water approved for Claim 309 is limited to the amount of water claimed by Claimant FWS by the deadline for filing claims. Claimant FWS's ownership of the claimed place of use for Claims 308, 310 and 311 is not supported by a preponderance of evidence in the record.

d. *Finding of Fact 11 is added as follows:*

11. The State of Oregon owns the bed of Upper Klamath Lake up to the 4141-foot elevation.

Reason for Modification: Claimant FWS's ownership of the claimed place of use for Claims 308, 310 and 311 is not supported by a preponderance of evidence in the record.

10. **Conclusions of Law.** The United States has failed to prove that it owns the claimed place of use for Claims 308, 310 and 311. These claims are therefore denied, and it is unnecessary to reach conclusions with respect to these claims on the issues addressed in the Proposed Order's Conclusions of Law. Claim 309 is approved, and conclusions of law appropriate to Claim 309 are set forth below. Because of the significant changes to the determination of the claims, the Proposed Order's Conclusions of Law are deleted in their entirety and replaced with the following:

1. Claimant FWS has failed to prove that it owns the claimed places of use with respect to Claims 308, 310 and 311. The federal reserved water right doctrine requires the United States to establish ownership of the claimed place of use. Claims 308, 310 and 311 are therefore denied.
2. The appropriate amount of water Claim 309 was established by Claimant FWS's experts, whose testimony was not contradicted.
3. Claimant FWS impermissibly enlarged its claims after the deadline for filing of claims. The claims are limited to the quantity of water claimed by the deadline for filing of claims.
4. Claimant FWS established a year-round use or need for water to support the primary purpose of the refuge for Claim 309.
5. Claimant FWS's water rights may not extend to the waste or unreasonable use of water.
6. The quantity of water claimed by Claimant FWS for Claim 309 is not wasteful or an unreasonable use of water.
7. Although not necessary to the determination of Claim 308, the claimed place of use should be corrected in four places where Township 35 and 36 have been transposed.

Reasons for Modifications: To add the conclusion that Claimant FWS has filed to prove that it owns the claimed places of use with respect to Claims 308, 310 and 311; to modify certain of the Proposed Order's Conclusions of Law to clarify that they are applicable only to Claim 309; to make the conclusion that the quantity of water approved for Claim 309 is limited to the quantity of water claimed by the deadline for filing claims.

11. **Opinion.** The Proposed Order's Opinion is deleted in its entirety and replaced with the and is replaced with the Opinion section from the 2012 Amended Proposed and the following:

Claimants of water rights have the burden of establishing their claims by a preponderance of the evidence. ORS 539.110 The burden of presenting evidence to support a particular fact or position in a contested case rests on the proponent of the fact or position. ORS 183.450. Claimant FWS seeks to establish a federal reserved water right and has the burden of proving the following elements by a preponderance of the evidence:

1. Claimant FWS owns the claimed place of use for the claimed water rights.
2. The primary purpose(s) meant to be served by the reservation of land.
3. The reservation of land included an express or implied reservation of water.

4. The quantity of water necessary to fulfill the primary purpose(s) of the reservation.

See, e.g., Cappaert v. United States, 426 US 128, 138 (1976).

The State of Oregon owns the bed of Upper Klamath Lake up to the ordinary high water line. Before Oregon's statehood, lands beneath the state's navigable waterways were owned by the federal government "in trust for the people of the United States." *State Land Bd. v. Corvallis Sand & Gravel Co.*, 429 US 363 (1977). Upon statehood, Oregon acquired sovereign title to lands underlying navigable waterways under the equal footing doctrine. *Id.* at 370; see also 45 Or Op Atty Gen 1 (1985). Pursuant to ORS 274.430, all meandered lakes are declared by the State to be navigable and title to the submerged and submersible lands thereof are vested in the State. See, also, ORS 274.025. The State therefore asserts ownership over Upper Klamath Lake up to the ordinary high water line. The State has determined that the 4141-foot elevation represents the location of the ordinary high water line as of the date of Oregon statehood, and therefore asserts ownership at and below this level. The State has not conveyed any lands at or below the 4141-foot elevation.

Claimant FWS did not submit any evidence concerning the elevation of any part of the claimed place of use. It may very well be that at least some part of the claimed place of use is above the 4141-foot elevation, and owned by the United States. However, Claimant FWS's failure to provide evidence on this point means that, with the exception of the place of use claimed in Claim 309 (which is discussed separately below), Claimant FWS has not met its burden of proof with respect to a required element of a federal reserved water right.

Claimant FWS argues that a statute referred to herein as the "Oregon Cession Act" ceded to the United States any portion of the Upper Klamath Lake bed included within the place of use for Claims 308 – 311. General Laws of Oregon, 1905, p. 63 ("Oregon Cession Act"). The section of the Oregon Cession Act relevant to ownership of the uncovered lake beds reads:

That there is to be and hereby is ceded to the United States all the right, title, interest, or claim of this State to any land uncovered by the lowering of the water levels, or by the drainage of any or all of said lakes not already disposed of by the State; and the lands hereby ceded may be disposed of by the United States....

Id.

An Oregon Attorney General Opinion concludes that Oregon's 1905 act "contains a 'condition precedent' which causes the transfer of any land to be contingent upon the land first being 'uncovered' as a result of reclamation." 45 Or Op Atty Gen 14, at 7-8 (1985). The reasoning behind the conclusion is as follows:

Although the Act is written in the present tense, we do not construe the Act as resulting in an immediate transfer of lands to the federal government. In making this determination, we rely upon the express limitation of the Act to “any land uncovered by the lowering of the water levels, or by the drainage of any or all of said lakes not already disposed of by the State.” By these words, the cession of any land to the United States is made to depend upon the future and uncertain event of the lands being actually uncovered as a result of reclamation activities. Indeed, the underlying purpose of the Act was to authorize the federal government to begin such activities. Whether or not any particular lands would be uncovered by the project could not have been known in 1905.

Id. At 8. The Opinion’s reasoning is sound. There is no reason to depart from it here. There is no evidence that the portion of the Upper Klamath Lake bed included within the place of was ever “uncovered by the lowering of the water levels” in Upper Klamath Lake. To the contrary, the evidence establishes two points that demonstrate that such land was never ceded to the United States. First, prior to 1905, the water elevation of Upper Klamath Lake receded on an annual basis below 4141 feet. (Mayer test. at 5.) To the extent that seasonal lake-level variation could ever be considered “uncovering”, this process was already occurring naturally, prior to any actions concerning Upper Klamath Lake taken by the United States. Second, the evidence indicates that the construction of the dam at the outlet of Upper Klamath Lake continued to allow water levels in Upper Klamath Lake to exceed the 4141-foot elevation on an annual basis. (Mayer test. at 5.) So there has never been any permanent “uncovering” of the lake bed claimed by the State.

Because Claimant FWS’s Claims 308, 310 and 311 must be denied on this basis, it is unnecessary to reach the remaining issues pertaining to these claims. Claims 308, 310 and 311 are denied.

Claim 309

In contrast to Claims 308, 310 and 311, Claimant FWS provided sufficient evidence of ownership of the place of use claimed for Claim 309. The land subject to claim 309 was by acquired by the United States through the means of a condemnation judgment. OWRD Ex. 1 at 192-98. The State of Oregon was a party to the judgment.

1. Appropriate amount of water for Claim 309

Per the 2004 Ruling, Claimant FWS has established that when the United States established the Upper Klamath National Refuge, it impliedly reserved the water necessary to fulfill the specific purposes of the Refuge, which are providing refuge and breeding ground for the protection of birds and wild animals and their habitats. (2004 Ruling at 10.) The remaining issue is the quantity of water necessary to fulfill that purpose of providing a refuge and breeding ground for the protection of birds and wild animals and their habitat. Claimant FWS

provided the only evidence of the amount of water needed for each of its established claims. Claimant FWS's witnesses Mayer and Mauer were qualified as experts. Their expert testimony and exhibits were not rebutted and were consistent and well-reasoned. Their evidence supports their conclusions regarding the quantity of water necessary for the claims of Claimant FWS and are therefore adopted.

2. Amendment of Claimant FWS's Claims

As discussed in the Amended Proposed Order, Claimant FWS is limited to the amount of water claimed for Claim 309 by the claim filing deadline of April 30, 1997.

3. Sufficient evidence of year-round use or need for water for Claim 309

As stated above, the evidence in the record on behalf of Claimant FWS, was consistent and reliable. It was not rebutted because the contestants provided no testimony and what evidence that was provided on their behalf contained no evidence regarding the amount of water necessary to meet the Refuge purposes. Claimant FWS's expert witnesses credibly established that the water rights of Claimant FWS need year-round use of water.

4 and 5. Wasteful or unreasonable use of water.

No evidence of wasteful or unreasonable use of water was provided by KPWU or the other contestants. As stated in the 2004 Ruling, Claimant FWS "is entitled to sufficient water to fulfill the purpose of the reservation and no more. A sufficient amount is enough to fulfill the purpose at a level where the Refuge is functional—more than eking out an existence but less than lavish amounts of water." 2004 Ruling at 11. Claimant FWS has established that the amount claimed for Claim 309 is reasonably necessary to fulfill the specific purposes of the Refuge. Because the amount is necessary, the amount is not wasteful or an unreasonable use of water.

6. Correction of place of use

This issue pertains only to Claim 308, which is denied. The Preliminary Evaluation incorrectly identified the place of use for Claim 308 by transposing a Township number. Claimant FWS proposed to correct the place of use to the correct number. Although not relevant to the determination of Claim 308, no contestant objected, so Claimant FWS's proposal is granted.

7. Use of water stored in Upper Klamath Lake

This issue was not addressed in the Proposed Order, because the Proposed Order treated this issue as having been addressed in the 2004 Ruling. However, the 2004 Ruling was not clear in its determination of Claimant FWS's right to use

water stored in Upper Klamath Lake under a separate storage right. That issue is clarified here.

KPWU has argued that Claimant FWS does not have the right to use water appropriated for storage as part of the Klamath Reclamation Project. KPWU is correct.

Claim 309 does not include a claim to the right to store water in Upper Klamath Lake, or a right to use water stored under a separate storage right. Claimant FWS is limited to the terms of its claim, and therefore any assertion of a right arising under Claim 309 to use water stored under storage rights determined for the Klamath Reclamation Project must be denied. Moreover, it does not appear that Claimant FWS contests KPWU's position. Claimant FWS has stated that "The United States recognizes that it can claim only water unappropriated as of the dates of creation of each of the Refuges and of additions to the Refuges. *** Accordingly, the United States' claims only seek water that was unappropriated as of those dates." (United States' Response to Motion for Ruling on Legal Issues at 10). Claimant FWS concedes that it does not claim any interest in water rights arising under the earlier appropriations pertaining to the Klamath Reclamation Project.

Finally, KPWU has raised a number of issues with the administration of the right recognized for Claim 309. Administration and regulation of water rights is outside of the scope of the Adjudication, which is concerned with the determination of the validity of claims. It is not necessary to address these issues in this Partial Order of Determination.

Reasons for Modifications: To describe the reasoning supporting the conclusion that Claimant FWS has filed to prove that it owns the claimed places of use with respect to Claims 308, 310 and 311; to modify certain of the Proposed Order's Opinion sections to clarify that they are applicable only to Claim 309; to make the describe the reasoning supporting the conclusion that the quantity of water approved for Claim 309 is limited to the quantity of water claimed by the deadline for filing claims; to clarify that the right approved for Claim 309 does not include the right to storage of water or the right to the use of water stored in Upper Klamath Lake for the Klamath Reclamation Project.

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 "Evidentiary Rulings" is adopted in its entirety.
 - c. The "Issues" is adopted in its entirety.

- d. The “Findings of Fact” is adopted with modifications, as set forth in Section A.9, above.
 - e. The “Conclusions of Law” is replaced in its entirety, as set forth in Section A.10, above.
 - f. The “Opinion” is replaced in its entirety, as set forth in Section A.11, above.
 - g. The “Order” is replaced in its entirety. Claims 308, 310 and 311 are denied. Claim 309 is approved, but limited to the quantity of water claimed by Claimant FWS by the deadline for filing claims. The Water Right Claim Description for claim 309 is set forth in Section B of this Partial Order of Determination.
2. The Amended Proposed Order issued on October 31, 2012, is adopted and incorporated in its entirety as if set forth fully herein.
 3. The combination of Executive Order 4851 and the February 26, 1954 Final Judgment on Condemnation are valid bases for federal reserved water right Claim 309, 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 AMENDMENT OF CLAIMS are incorporated as if set forth fully herein.
 5. The GENERAL CONCLUSIONS OF LAW CONCERNING ACQUIRED LANDS are incorporated as if set forth fully herein.
 6. Based on the file and record herein, IT IS ORDERED that Claims 308, 310, and 311 are denied are of no force or effect.
 7. Based on the file and record herein, IT IS ORDERED that Claims 309 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 309

CLAIM MAP REFERENCE:

OWRD # 97-320-0032 and # 97-320-0033 (1997 US-F&W MYLAR CLAIM MAPS by TRS)

CLAIMANT: UNITED STATES DEPARTMENT OF INTERIOR
 FISH AND WILDLIFE SERVICE
 911 NE 11TH AVE
 PORTLAND, OR 97232-4181

SOURCE OF WATER: UPPER KLAMATH LAKE, tributary to LINK RIVER

PURPOSE or USE:

PROVIDING A REFUGE AND BREEDING GROUND FOR THE PROTECTION OF BIRDS
 AND WILD ANIMALS AND THEIR HABITAT

RATE OF USE: 12,583.5 ACRE-FEET PER YEAR

PERIOD OF ALLOWED USE: JANUARY 1 – DECEMBER 31

DATE OF PRIORITY: FEBRUARY 26, 1954

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

DIFFUSE WATERS COINCIDENT WITH THE PLACE OF USE DESCRIBED BELOW

THE PLACE OF USE IS LOCATED AS FOLLOWS:

UPPER KLAMATH NATIONAL WILDLIFE REFUGE					
Twp	Rng	Mer	Sec	Q-Q	GLot
35 S	7.50 E	WM	9	SW NE	2
35 S	7.50 E	WM	9	SE NE	1
35 S	7.50 E	WM	9	NE SW	3
35 S	7.50 E	WM	9	SE SW	4
35 S	7.50 E	WM	10	SW NE	2
35 S	7.50 E	WM	10	SW NW	4
35 S	7.50 E	WM	10	SE NW	3
35 S	7.50 E	WM	10	NE SW	5
35 S	7.50 E	WM	10	SE SW	8
35 S	7.50 E	WM	10	NW SE	6
35 S	7.50 E	WM	10	SW SE	7
35 S	7.50 E	WM	16	NW NW	1
35 S	7.50 E	WM	16	SW NW	2
35 S	7.50 E	WM	16	NW SW	3
35 S	7.50 E	WM	16	SW SW	
35 S	7.50 E	WM	16	SE SW	4
35 S	7.50 E	WM	17	NE NE	
35 S	7.50 E	WM	17	NW NE	
35 S	7.50 E	WM	17	SW NE	
35 S	7.50 E	WM	17	SE NE	
35 S	7.50 E	WM	17	NE NW	
35 S	7.50 E	WM	17	NW NW	
35 S	7.50 E	WM	17	SW NW	
35 S	7.50 E	WM	17	SE NW	
35 S	7.50 E	WM	17	NE SW	
35 S	7.50 E	WM	17	NW SW	
35 S	7.50 E	WM	17	SW SW	
35 S	7.50 E	WM	17	SE SW	
35 S	7.50 E	WM	17	NE SE	
35 S	7.50 E	WM	17	NW SE	
35 S	7.50 E	WM	17	SW SE	
35 S	7.50 E	WM	17	SE SE	
35 S	7.50 E	WM	18	NE NE	
35 S	7.50 E	WM	18	NW NE	
35 S	7.50 E	WM	18	SW NE	
35 S	7.50 E	WM	18	SE NE	
35 S	7.50 E	WM	18	NE NW	
35 S	7.50 E	WM	18	NW NW	1
35 S	7.50 E	WM	18	SW NW	2
35 S	7.50 E	WM	18	SE NW	
35 S	7.50 E	WM	18	NE SW	
35 S	7.50 E	WM	18	NW SW	3

UPPER KLAMATH NATIONAL WILDLIFE REFUGE					
Twp	Rng	Mer	Sec	Q-Q	GLot
35 S	7.50 E	WM	18	SW SW	4
35 S	7.50 E	WM	18	SE SW	
35 S	7.50 E	WM	18	NE SE	
35 S	7.50 E	WM	18	NW SE	
35 S	7.50 E	WM	18	SW SE	
35 S	7.50 E	WM	18	SE SE	
35 S	7.50 E	WM	19	NE NE	
35 S	7.50 E	WM	19	NW NE	
35 S	7.50 E	WM	19	SW NE	
35 S	7.50 E	WM	19	SE NE	
35 S	7.50 E	WM	19	NE NW	
35 S	7.50 E	WM	19	NW NW	1
35 S	7.50 E	WM	19	SW NW	2
35 S	7.50 E	WM	19	SE NW	
35 S	7.50 E	WM	19	NE SW	
35 S	7.50 E	WM	19	NW SW	3
35 S	7.50 E	WM	19	SW SW	4
35 S	7.50 E	WM	19	SE SW	
35 S	7.50 E	WM	19	NE SE	
35 S	7.50 E	WM	19	NW SE	
35 S	7.50 E	WM	19	SW SE	
35 S	7.50 E	WM	19	SE SE	
35 S	7.50 E	WM	20	NE NE	
35 S	7.50 E	WM	20	NW NE	
35 S	7.50 E	WM	20	SW NE	
35 S	7.50 E	WM	20	SE NE	
35 S	7.50 E	WM	20	NE NW	
35 S	7.50 E	WM	20	NW NW	
35 S	7.50 E	WM	20	SW NW	
35 S	7.50 E	WM	20	SE NW	
35 S	7.50 E	WM	20	NE SW	
35 S	7.50 E	WM	20	NW SW	
35 S	7.50 E	WM	20	SW SW	
35 S	7.50 E	WM	20	SE SW	
35 S	7.50 E	WM	20	NE SE	
35 S	7.50 E	WM	20	NW SE	
35 S	7.50 E	WM	20	SW SE	
35 S	7.50 E	WM	20	SE SE	
35 S	7.50 E	WM	21	NE NW	1
35 S	7.50 E	WM	21	NW NW	
35 S	7.50 E	WM	21	SW NW	2
35 S	7.50 E	WM	21	NW SW	3
35 S	7.50 E	WM	21	SW SW	4
35 S	7.50 E	WM	28	NW NW	1
35 S	7.50 E	WM	28	SW NW	2
35 S	7.50 E	WM	28	NW SW	3
35 S	7.50 E	WM	28	SW SW	4
35 S	7.50 E	WM	29	NE NE	
35 S	7.50 E	WM	29	NW NE	
35 S	7.50 E	WM	29	SW NE	
35 S	7.50 E	WM	29	SE NE	

UPPER KLAMATH NATIONAL WILDLIFE REFUGE					
Twp	Rng	Mer	Sec	Q-Q	GLot
35 S	7.50 E	WM	29	NE NW	
35 S	7.50 E	WM	29	NW NW	
35 S	7.50 E	WM	29	SW NW	4
35 S	7.50 E	WM	29	SE NW	
35 S	7.50 E	WM	29	NE SW	3
35 S	7.50 E	WM	29	NW SW	
35 S	7.50 E	WM	29	NE SE	1
35 S	7.50 E	WM	29	NW SE	2
35 S	7.50 E	WM	30	NE NE	
35 S	7.50 E	WM	30	NW NE	
35 S	7.50 E	WM	30	SW NE	2
35 S	7.50 E	WM	30	SE NE	1
35 S	7.50 E	WM	30	NE NW	
35 S	7.50 E	WM	30	NW NW	
35 S	7.50 E	WM	30	SW NW	
35 S	7.50 E	WM	30	SE NW	
35 S	7.50 E	WM	30	NE SW	4
35 S	7.50 E	WM	30	NW SW	5
35 S	7.50 E	WM	30	NW SE	3

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

Dwight French, Adjudicator
Klamath Basin General Stream Adjudication