

APR 30 1997 ^{ISF}State of Oregon
Water Resources DepartmentWATER RESOURCES DEPT.
SALEM, OREGONSTATEMENT AND PROOF OF CLAIM
TO THE USE OF SURFACE WATERS OF THE KLAMATH RIVER AND ITS TRIBUTARIES
FEDERAL OR INDIAN RESERVED WATER RIGHTClaimant: United States, Bureau of Indian Affairs, as Trustee on behalf of the Klamath TribesMailing Address: 911 NE 11th Avenue Portland OR 97232Contact Person: Barbara Scott-Brier, Office of the Solicitor, Pacific Northwest Region, U.S. Dept. of the Interior, 500 N.E. Multnomah Street, Suite 607, Portland, OR. 97232, 503-231-2139 (telefax 503-231-2166).Service: All notices and service of contests or other matters regarding this water right shall also be made on the United States' Attorney General's representative, David Harder, U.S. Dept. of Justice, 999 18th Street, Suite 945 - North Tower, Denver, CO. 80202 (telefax 303-312-7331)Name of Federal Reservation: The current Klamath Indian Reservation, the former Klamath Indian Reservation, and areas that are necessary for the protection of and continued and future enjoyment of the Klamath Tribes' treaty protected hunting, fishing and gathering rights.

THE UNITED STATES OF AMERICA CLAIMS A FEDERAL RESERVED WATER RIGHT AS DESCRIBED BELOW

1. Sources of Water: Klamath River (KL_1)Tributary to: Pacific Ocean

2. Water is claimed for the following uses for the federal reservation:

The following table provides monthly instream water claims which are necessary to preserve and protect the Klamath Tribes' fishing rights. The instream flow claims are expressed in cfs for physical habitat for fish, developed using the IFIM process approved in OAR 690-28-027(2)(a). These claims will provide conditions to ensure adequate migratory passage of anadromous salmonid fishes into and out of the Upper Klamath River Basin. The claims are for the natural flow up to the designated monthly value.

Nature of Use	From - To	Designated monthly value (cfs)
Physical Habitat	January 1-31	700
	February 1-29	700
	March 1-31	700
	April 1-30	700
	May 1-31	700
	June 1-30	700
	July 1-31	700
	August 1-31	700
	September 1-30	700
	October 1-31	700
	November 1-30	700
	December 1-31	700

3. Total amount of water claimed: See Item 2 above.3.1 Out-of-stream use(s): No out-of-stream uses are claimed.3.2 In-stream use(s): See Item 2 above.

4. Priority Date: Time Immemorial
5. Date of creation of the federal reservation: October 14, 1864
6. Basis of right claimed: Indian Reserved Water Right, Aboriginal Water Right, Treaty of October 14, 1864.
7. Purpose(s) of Reservation: For the purposes encompassed by the Treaty of October 14, 1864, between the United States of America and the Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians, 16 Stat. 707.
8. Place of use:
 Stream Name: Klamath River (KL_1)
 From mile/feature: J. C. Boyle Reservoir
 to mile/feature: OR/CA Border
9. Point of diversion: No diversion is claimed.
10. County(ies) of place of use: Klamath
11. Other water rights claimed for this federal reservation: The BIA as Trustee on behalf of the Klamath Tribes is claiming water rights in Klamath Marsh and its tributary streams, Klamath Lake and its tributary streams, and the Klamath River and its tributary streams to support the Tribe's fishing, hunting and gathering rights. Other water right claims include, among others, those for domestic, commercial, municipal and industrial uses; religious and cultural uses; and agricultural uses.
12. Remarks: This is a claim for future use. The physical habitat claim has been developed using the Instream Flow Incremental Methodology, which is recognized as an acceptable methodology under OAR 690-28-027(2)(a). The species of fish and wildlife to be supported by this claim are provided in the Bureau of Indian Affairs Appendix, Attachment G.

THIS FORM IS AN ATTACHMENT TO A LETTER FORWARDING THE CLAIM OF THE UNITED STATES ON BEHALF OF THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS. THE SIGNATURE AND AFFIRMATION OF SUCH LETTER CONSTITUTES THE SIGNATURE OF THE AUTHORIZED AGENT REPRESENTING THE UNITED STATES OF AMERICA REQUIRED FOR SUCH CLAIM.

ATTACH THE FOLLOWING EXHIBITS TO THIS CLAIM FORM:

- A. Map of water use, including point(s) of diversion and place(s) of use: see attached maps
- B. Legal description of the reservation: see Bureau of Indian Affairs Appendix
- C. List of documents creating the reservation: see Bureau of Indian Affairs Appendix
- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix
- E. Development history of the water use (Describe history of water use, including timing of development and chain of title) : see Bureau of Indian Affairs Appendix
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix

97 716 0001

RECEIVED

APR 30 1997 ISF

State of Oregon

Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

STATEMENT AND PROOF OF CLAIM
TO THE USE OF SURFACE WATERS OF THE KLAMATH RIVER AND ITS TRIBUTARIES
FEDERAL OR INDIAN RESERVED WATER RIGHT

Claimant: United States, Bureau of Indian Affairs, as Trustee on behalf of the Klamath Tribes

Mailing Address: 911 NE 11th Avenue Portland OR 97232

Contact Person: Barbara Scott-Brier, Office of the Solicitor, Pacific Northwest Region, U.S. Dept. of the Interior, 500 N.E. Multnomah Street, Suite 607, Portland, OR. 97232, 503-231-2139 (telefax 503-231-2166).

Service: All notices and service of contests or other matters regarding this water right shall also be made on the United States' Attorney General's representative, David Harder, U.S. Dept. of Justice, 999 18th Street, Suite 945 - North Tower, Denver, CO. 80202 (telefax 303-312-7331)

Name of Federal Reservation: The current Klamath Indian Reservation, the former Klamath Indian Reservation, and areas that are necessary for the protection of and continued and future enjoyment of the Klamath Tribes' treaty protected hunting, fishing and gathering rights.

THE UNITED STATES OF AMERICA CLAIMS A FEDERAL RESERVED WATER RIGHT AS DESCRIBED BELOW

1. Sources of Water: Klamath River (KL_2)

Tributary to: Pacific Ocean

2. Water is claimed for the following uses for the federal reservation:

The following table provides monthly instream water claims which are necessary to preserve and protect the Klamath Tribes' fishing rights. The instream flow claims are expressed in cfs for physical habitat for fish, developed using the IFIM process approved in OAR 690-28-027(2)(a). These claims will provide conditions to ensure adequate migratory passage of anadromous salmonid fishes into and out of the Upper Klamath River Basin. The claims are for the natural flow up to the designated monthly value.

Nature of Use	From - To	Designated monthly value (cfs)
Physical Habitat	January 1-31	700
	February 1-29	700
	March 1-31	700
	April 1-30	700
	May 1-31	700
	June 1-30	700
	July 1-31	700
	August 1-31	700
	September 1-30	700
	October 1-31	700
	November 1-30	700
	December 1-31	700

Total amount of water claimed: See Item 2 above.

3.1 Out-of-stream use(s): No out-of-stream uses are claimed.

3.2 In-stream use(s): See Item 2 above.

4. Priority Date: Time Immemorial
5. Date of creation of the federal reservation: October 14, 1864
6. Basis of right claimed: Indian Reserved Water Right, Aboriginal Water Right, Treaty of October 14, 1864.
7. Purpose(s) of Reservation: For the purposes encompassed by the Treaty of October 14, 1864, between the United States of America and the Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians, 16 Stat. 707.
8. Place of use:
 Stream Name: Klamath River (KL_2)
 From mile/feature: Keno Dam
 to mile/feature: J. C. Boyle Reservoir
9. Point of diversion: No diversion is claimed.
10. County(ies) of place of use: Klamath
11. Other water rights claimed for this federal reservation: The BIA as Trustee on behalf of the Klamath Tribes is claiming water rights in Klamath Marsh and its tributary streams, Klamath Lake and its tributary streams, and the Klamath River and its tributary streams to support the Tribe's fishing, hunting and gathering rights. Other water right claims include, among others, those for domestic, commercial, municipal and industrial uses; religious and cultural uses; and agricultural uses.
12. Remarks: This is a claim for future use. The physical habitat claim has been developed using the Instream Flow Incremental Methodology, which is recognized as an acceptable methodology under OAR 690-28-027(2)(a). The species of fish and wildlife to be supported by this claim are provided in the Bureau of Indian Affairs Appendix, Attachment G.

THIS FORM IS AN ATTACHMENT TO A LETTER FORWARDING THE CLAIM OF THE UNITED STATES ON BEHALF OF THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS. THE SIGNATURE AND AFFIRMATION OF SUCH LETTER CONSTITUTES THE SIGNATURE OF THE AUTHORIZED AGENT REPRESENTING THE UNITED STATES OF AMERICA REQUIRED FOR SUCH CLAIM.

ATTACH THE FOLLOWING EXHIBITS TO THIS CLAIM FORM:

- A. Map of water use, including point(s) of diversion and place(s) of use: see attached maps
- B. Legal description of the reservation: see Bureau of Indian Affairs Appendix
- C. List of documents creating the reservation: see Bureau of Indian Affairs Appendix
- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix
- E. Development history of the water use (Describe history of water use, including timing of development and chain of title) : see Bureau of Indian Affairs Appendix
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix

97 717 0001

RECEIVED

APR 30 1997

ISF

State of Oregon
Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

STATEMENT AND PROOF OF CLAIM
TO THE USE OF SURFACE WATERS OF THE KLAMATH RIVER AND ITS TRIBUTARIES
FEDERAL OR INDIAN RESERVED WATER RIGHT

Claimant: United States, Bureau of Indian Affairs, as Trustee on behalf of the Klamath Tribes

Mailing Address: 911 NE 11th Avenue Portland OR 97232

Contact Person: Barbara Scott-Brier, Office of the Solicitor, Pacific Northwest Region, U.S. Dept. of the Interior, 500 N.E. Multnomah Street, Suite 607, Portland, OR. 97232, 503-231-2139 (telefax 503-231-2166).

Service: All notices and service of contests or other matters regarding this water right shall also be made on the United States' Attorney General's representative, David Harder, U.S. Dept. of Justice, 999 18th Street, Suite 945 - North Tower, Denver, CO. 80202 (telefax 303-312-7331)

Name of Federal Reservation: The current Klamath Indian Reservation, the former Klamath Indian Reservation, and areas that are necessary for the protection of and continued and future enjoyment of the Klamath Tribes' treaty protected hunting, fishing and gathering rights.

THE UNITED STATES OF AMERICA CLAIMS A FEDERAL RESERVED WATER RIGHT AS DESCRIBED BELOW

1. Sources of Water: Klamath River (KL_3)

Tributary to: Pacific Ocean

2. Water is claimed for the following uses for the federal reservation:

The following table provides monthly instream water claims which are necessary to preserve and protect the Klamath Tribes' fishing rights. The instream flow claims are expressed in cfs for physical habitat for fish, developed using the IFIM process approved in OAR 690-28-027(2)(a). These claims will provide conditions to ensure adequate migratory passage of anadromous salmonid fishes into and out of the Upper Klamath River Basin. The claims are for the natural flow up to the designated monthly value.

Nature of Use	From - To	Designated monthly value (cfs)
Physical Habitat	January 1-31	700
	February 1-29	700
	March 1-31	700
	April 1-30	700
	May 1-31	700
	June 1-30	700
	July 1-31	700
	August 1-31	700
	September 1-30	700
	October 1-31	700
	November 1-30	700
	December 1-31	700

Total amount of water claimed: See Item 2 above.

3.1 Out-of-stream use(s): No out-of-stream uses are claimed.

3.2 In-stream use(s): See Item 2 above.

4. Priority Date: Time Immemorial
5. Date of creation of the federal reservation: October 14, 1864
6. Basis of right claimed: Indian Reserved Water Right, Aboriginal Water Right, Treaty of October 14, 1864.
7. Purpose(s) of Reservation: For the purposes encompassed by the Treaty of October 14, 1864, between the United States of America and the Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians, 16 Stat. 707.
8. Place of use:
 Stream Name: Klamath River (KL_3)
 From mile/feature: Upper Klamath Lake
 to mile/feature: Lake Ewauna
9. Point of diversion: No diversion is claimed.
10. County(ies) of place of use: Klamath
11. Other water rights claimed for this federal reservation: The BIA as Trustee on behalf of the Klamath Tribes is claiming water rights in Klamath Marsh and its tributary streams, Klamath Lake and its tributary streams, and the Klamath River and its tributary streams to support the Tribe's fishing, hunting and gathering rights. Other water right claims include, among others, those for domestic, commercial, municipal and industrial uses; religious and cultural uses; and agricultural uses.
12. Remarks: This is a claim for future use. The physical habitat claim has been developed using the Instream Flow Incremental Methodology, which is recognized as an acceptable methodology under OAR 690-28-027(2)(a). The species of fish and wildlife to be supported by this claim are provided in the Bureau of Indian Affairs Appendix, Attachment G.

THIS FORM IS AN ATTACHMENT TO A LETTER FORWARDING THE CLAIM OF THE UNITED STATES ON BEHALF OF THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS. THE SIGNATURE AND AFFIRMATION OF SUCH LETTER CONSTITUTES THE SIGNATURE OF THE AUTHORIZED AGENT REPRESENTING THE UNITED STATES OF AMERICA REQUIRED FOR SUCH CLAIM.

ATTACH THE FOLLOWING EXHIBITS TO THIS CLAIM FORM:

- A. Map of water use, including point(s) of diversion and place(s) of use: see attached maps
- B. Legal description of the reservation: see Bureau of Indian Affairs Appendix
- C. List of documents creating the reservation: see Bureau of Indian Affairs Appendix
- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix
- E. Development history of the water use (Describe history of water use, including timing of development and chain of title) : see Bureau of Indian Affairs Appendix
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix