

State of Oregon
Water Resources Department

Claim #: 650

**AMENDED 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 303-312-7379)

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

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1. Sources of Water: N.F. Sprague River (SP-10)

Tributary to: Sprague River

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

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The following table provides monthly instream water claims which are necessary to preserve and protect the Klamath Tribes' hunting, fishing, and gathering rights. The instream flow claims are expressed in cfs for three interdependent components of fish habitat, wildlife habitat, and vegetation, each of which is essential to habitat maintenance. The three components are physical habitat (developed using the IFIM process approved in OAR 690-28-027(2)(a)), riparian habitat maintenance, and structural habitat maintenance. For physical habitat and riparian habitat maintenance, the claim is for the natural flow up to the designated monthly value. The instream flow required to satisfy the structural habitat maintenance need is dependent on the natural flow in the stream. Whenever the natural flow exceeds the structural habitat maintenance trigger flow, the structural habitat maintenance claim shall be implemented; the structural habitat maintenance claim shall be for the natural flow between the trigger flow and the designated cap flow. The physical habitat, riparian habitat maintenance, and structural habitat maintenance flows are not additive.

| | Nature of Use | From - To | Designated monthly value (cfs) |
|------------|---------------------|-------------------------|------------------------------------|
| Riparian | Physical Habitat | January 1-31 | 50 |
| | Habitat Maintenance | January 1-31 | 56 |
| Riparian | Physical Habitat | February 1-29 | 50 |
| | Habitat Maintenance | February 1-29 | 900 |
| Riparian | Physical Habitat | March 1-31 | 50 |
| | Habitat Maintenance | March 1-31 | 900 |
| Riparian | Physical Habitat | April 1-30 | 50 |
| | Habitat Maintenance | April 1-30 | 900 |
| Riparian | Physical Habitat | May 1-31 | 50 |
| | Habitat Maintenance | May 1-31 | 900 |
| Riparian | Physical Habitat | June 1-30 | 50 |
| | Habitat Maintenance | June 1-30 | 203 |
| Riparian | Physical Habitat | July 1-31 | 49 |
| | Habitat Maintenance | July 1-31 | 49 |
| Riparian | Physical Habitat | August 1-31 | 32 |
| | Habitat Maintenance | August 1-31 | 32 |
| Riparian | Physical Habitat | September 1-30 | 33 |
| | Habitat Maintenance | September 1-30 | 33 |
| Riparian | Physical Habitat | October 1-31 | 41 |
| | Habitat Maintenance | October 1-31 | 41 |
| Riparian | Physical Habitat | November 1-30 | 50 |
| | Habitat Maintenance | November 1-30 | 67 |
| Riparian | Physical Habitat | December 1-31 | 50 |
| | Habitat Maintenance | December 1-31 | 111 |
| Structural | Habitat Maintenance | January 1 - December 31 | Trigger Flow 200 to Cap Flow 1,684 |

KLAMATH ADJUDICATION
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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: N.F. Sprague River (SP-10)
 From mile/feature: Balley Flats
 to mile/feature: NF/SF Sprague River confluence
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 Amended Claim form changes items 2 and 3 from the original claim. This Amended Claim incorporates Exhibits B-G to the original claim. A new Exhibit A (maps) is enclosed. This is a claim for present 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, and as further described in the Bureau of Indian Affairs' oral and written responses to OWRD questions throughout 1999. A description of the general changes in the Amended Claim are found on ATTACHMENT TO BIA AMENDED CLAIM NOS. 625 TO 670.

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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 AMENDED MAPS
- B. Legal description of the reservation: see Bureau of Indian Affairs Appendix, previously submitted
- C. List of documents creating the reservation: see Bureau of Indian Affairs Appendix, previously submitted
- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix, previously submitted
- 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, previously submitted
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix, previously submitted

KLAMATH ADJUDICATION

CLAIM # 650 PAGE # 013

State of Oregon
Water Resources Department

Claim #: 651

**AMENDED 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 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 303-312-7379)

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.**RECEIVED**

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

1. Sources of Water: N.F. Sprague River (SP-11)

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Tributary to: Sprague River

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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' hunting, fishing, and gathering rights. The instream flow claims are expressed in cfs for three interdependent components of fish habitat, wildlife habitat, and vegetation, each of which is essential to habitat maintenance. The three components are physical habitat (developed using the IFIM process approved in OAR 690-28-027(2)(a)), riparian habitat maintenance, and structural habitat maintenance. For physical habitat and riparian habitat maintenance, the claim is for the natural flow up to the designated monthly value. The instream flow required to satisfy the structural habitat maintenance need is dependent on the natural flow in the stream. Whenever the natural flow exceeds the structural habitat maintenance trigger flow, the structural habitat maintenance claim shall be implemented; the structural habitat maintenance claim shall be for the natural flow between the trigger flow and the designated cap flow. The physical habitat, riparian habitat maintenance, and structural habitat maintenance flows are not additive.

| | Nature of Use | From - To | Designated monthly value (cfs) |
|--------------------------------|------------------------------|-------------------------|------------------------------------|
| Riparian Habitat Maintenance | Physical Habitat | January 1-31 | 30 |
| | Riparian Habitat Maintenance | January 1-31 | 34 |
| Riparian Habitat Maintenance | Physical Habitat | February 1-29 | 30 |
| | Riparian Habitat Maintenance | February 1-29 | 900 |
| Riparian Habitat Maintenance | Physical Habitat | March 1-31 | 50 |
| | Riparian Habitat Maintenance | March 1-31 | 900 |
| Riparian Habitat Maintenance | Physical Habitat | April 1-30 | 50 |
| | Riparian Habitat Maintenance | April 1-30 | 900 |
| Riparian Habitat Maintenance | Physical Habitat | May 1-31 | 50 |
| | Riparian Habitat Maintenance | May 1-31 | 900 |
| Riparian Habitat Maintenance | Physical Habitat | June 1-30 | 33 |
| | Riparian Habitat Maintenance | June 1-30 | 136 |
| Riparian Habitat Maintenance | Physical Habitat | July 1-31 | 33 |
| | Riparian Habitat Maintenance | July 1-31 | 34 |
| Riparian Habitat Maintenance | Physical Habitat | August 1-31 | 22 |
| | Riparian Habitat Maintenance | August 1-31 | 22 |
| Riparian Habitat Maintenance | Physical Habitat | September 1-30 | 22 |
| | Riparian Habitat Maintenance | September 1-30 | 22 |
| Riparian Habitat Maintenance | Physical Habitat | October 1-31 | 27 |
| | Riparian Habitat Maintenance | October 1-31 | 27 |
| Riparian Habitat Maintenance | Physical Habitat | November 1-30 | 30 |
| | Riparian Habitat Maintenance | November 1-30 | 43 |
| Riparian Habitat Maintenance | Physical Habitat | December 1-31 | 30 |
| | Riparian Habitat Maintenance | December 1-31 | 68 |
| Structural Habitat Maintenance | | January 1 - December 31 | Trigger Flow 117 to Cap Flow 1,599 |

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CLAIM # 651 PAGE # 011

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: N.F. Sprague River (SP-11)

From mile/feature: Boulder Creek

to mile/feature: Balley Flats

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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 Amended Claim form changes items 2 and 3 from the original claim. This Amended Claim incorporates Exhibits B-G to the original claim. A new Exhibit A (maps) is enclosed. This is a claim for present 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, and as further described in the Bureau of Indian Affairs' oral and written responses to OWRD questions throughout 1999. A description of the general changes in the Amended Claim are found on ATTACHMENT TO BIA AMENDED CLAIM NOS. 625 TO 670.

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 AMENDED MAPS
- B. Legal description of the reservation: see Bureau of Indian Affairs Appendix, previously submitted
- C. List of documents creating the reservation: see Bureau of Indian Affairs Appendix, previously submitted
- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix, previously submitted
- 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, previously submitted
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix, previously submitted

KLAMATH ADJUDICATION
CLAIM # **651** PAGE # **012**

State of Oregon
Water Resources Department

Claim #: 652

AMENDED 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 303-312-7379)

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.

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

1. Sources of Water: Five Mile Creek (SP-12)

OCT 01 1999

Tributary to: Sprague River

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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' hunting, fishing, and gathering rights. The instream flow claims are expressed in cfs for three interdependent components of fish habitat, wildlife habitat, and vegetation, each of which is essential to habitat maintenance. The three components are physical habitat (developed using the IFIM process approved in OAR 690-28-027(2)(a)), riparian habitat maintenance, and structural habitat maintenance. For physical habitat and riparian habitat maintenance, the claim is for the natural flow up to the designated monthly value. The instream flow required to satisfy the structural habitat maintenance need is dependent on the natural flow in the stream. Whenever the natural flow exceeds the structural habitat maintenance trigger flow, the structural habitat maintenance claim shall be implemented; the structural habitat maintenance claim shall be for the natural flow between the trigger flow and the designated cap flow. The physical habitat, riparian habitat maintenance, and structural habitat maintenance flows are not additive.

| | Nature of Use | From - To | Designated monthly value (cfs) |
|--------------------------------|------------------------------|-------------------------|---------------------------------|
| Riparian Habitat Maintenance | Physical Habitat | January 1-31 | 34 |
| | Riparian Habitat Maintenance | January 1-31 | 34 |
| Riparian Habitat Maintenance | Physical Habitat | February 1-29 | 40 |
| | Riparian Habitat Maintenance | February 1-29 | 220 |
| Riparian Habitat Maintenance | Physical Habitat | March 1-31 | 40 |
| | Riparian Habitat Maintenance | March 1-31 | 220 |
| Riparian Habitat Maintenance | Physical Habitat | April 1-30 | 40 |
| | Riparian Habitat Maintenance | April 1-30 | 220 |
| Riparian Habitat Maintenance | Physical Habitat | May 1-31 | 40 |
| | Riparian Habitat Maintenance | May 1-31 | 220 |
| Riparian Habitat Maintenance | Physical Habitat | June 1-30 | 30 |
| | Riparian Habitat Maintenance | June 1-30 | 30 |
| Riparian Habitat Maintenance | Physical Habitat | July 1-31 | 26 |
| | Riparian Habitat Maintenance | July 1-31 | 26 |
| Riparian Habitat Maintenance | Physical Habitat | August 1-31 | 28 |
| | Riparian Habitat Maintenance | August 1-31 | 28 |
| Riparian Habitat Maintenance | Physical Habitat | September 1-30 | 28 |
| | Riparian Habitat Maintenance | September 1-30 | 28 |
| Riparian Habitat Maintenance | Physical Habitat | October 1-31 | 29 |
| | Riparian Habitat Maintenance | October 1-31 | 29 |
| Riparian Habitat Maintenance | Physical Habitat | November 1-30 | 28 |
| | Riparian Habitat Maintenance | November 1-30 | 28 |
| Riparian Habitat Maintenance | Physical Habitat | December 1-31 | 29 |
| | Riparian Habitat Maintenance | December 1-31 | 29 |
| Structural Habitat Maintenance | | January 1 - December 31 | Trigger Flow 25 to Cap Flow 434 |

KLAMATH ADJUDICATION
CLAIM # 652 PAGE # 011

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: Five Mile Creek (SP-12)
- From mile/feature: Lower USFS Boundary
- to mile/feature: North Fork Sprague River
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.
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- ATTACH THE FOLLOWING EXHIBITS TO THIS CLAIM FORM:
- Map of water use, including point(s) of diversion and place(s) of use: SEE ATTACHED AMENDED MAPS
 - Legal description of the reservation: see Bureau of Indian Affairs Appendix, previously submitted
 - List of documents creating the reservation: see Bureau of Indian Affairs Appendix, previously submitted
 - Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix, previously submitted
 - 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, previously submitted
 - Description of diversion facility: Not Applicable
 - Additional supporting documentation: see Bureau of Indian Affairs Appendix, previously submitted

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KLAMATH ADJUDICATION

652

PAGE # 012

State of Oregon
Water Resources Department

Claim #: 653

**AMENDED STATEMENT AND PROOF OF CLAIM
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THE UNITED STATES OF AMERICA CLAIMS A FEDERAL RESERVED WATER RIGHT AS DESCRIBED BELOW

1. Sources of Water: Five Mile Creek (SP-13)

Tributary to: Sprague River

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

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SALEM, OREGON

The following table provides monthly instream water claims which are necessary to preserve and protect the Klamath Tribes' hunting, fishing, and gathering rights. The instream flow claims are expressed in cfs for three interdependent components of fish habitat, wildlife habitat, and vegetation, each of which is essential to habitat maintenance. The three components are physical habitat (developed using the IFIM process approved in OAR 690-28-027(2)(a)), riparian habitat maintenance, and structural habitat maintenance. For physical habitat and riparian habitat maintenance, the claim is for the natural flow up to the designated monthly value. The instream flow required to satisfy the structural habitat maintenance need is dependent on the natural flow in the stream. Whenever the natural flow exceeds the structural habitat maintenance trigger flow, the structural habitat maintenance claim shall be implemented; the structural habitat maintenance claim shall be for the natural flow between the trigger flow and the designated cap flow. The physical habitat, riparian habitat maintenance, and structural habitat maintenance flows are not additive.

| Nature of Use | From - To | Designated monthly value (cfs) |
|--------------------------------|-------------------------|---------------------------------|
| Physical Habitat | January 1-31 | 19 |
| Riparian Habitat Maintenance | January 1-31 | 19 |
| Physical Habitat | February 1-29 | 20 |
| Riparian Habitat Maintenance | February 1-29 | 170 |
| Physical Habitat | March 1-31 | 30 |
| Riparian Habitat Maintenance | March 1-31 | 170 |
| Physical Habitat | April 1-30 | 30 |
| Riparian Habitat Maintenance | April 1-30 | 170 |
| Physical Habitat | May 1-31 | 28 |
| Riparian Habitat Maintenance | May 1-31 | 170 |
| Physical Habitat | June 1-30 | 19 |
| Riparian Habitat Maintenance | June 1-30 | 19 |
| Physical Habitat | July 1-31 | 18 |
| Riparian Habitat Maintenance | July 1-31 | 18 |
| Physical Habitat | August 1-31 | 18 |
| Riparian Habitat Maintenance | August 1-31 | 18 |
| Physical Habitat | September 1-30 | 18 |
| Riparian Habitat Maintenance | September 1-30 | 18 |
| Physical Habitat | October 1-31 | 18 |
| Riparian Habitat Maintenance | October 1-31 | 18 |
| Physical Habitat | November 1-30 | 17 |
| Riparian Habitat Maintenance | November 1-30 | 17 |
| Physical Habitat | December 1-31 | 17 |
| Riparian Habitat Maintenance | December 1-31 | 17 |
| Structural Habitat Maintenance | January 1 - December 31 | Trigger Flow 14 to Cap Flow 289 |

KLAMATH ADJUDICATION
CLAIM # 653
PAGE # 011

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: Five Mile Creek (SP-13)
- From mile/feature: Five Mile Creek source
- to mile/feature: Lower USFS Boundary
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.
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- D. Description of the legal status of the land prior to creation of the federal reservation: see Bureau of Indian Affairs Appendix, previously submitted
- 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, previously submitted
- F. Description of diversion facility: Not Applicable
- G. Additional supporting documentation: see Bureau of Indian Affairs Appendix, previously submitted

KLAMATH ADJUDICATION
CLAIM # **653** PAGE # **012**