

State of Oregon
Water Resources Department

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: Larkin Creek (WM-10)

OCT 01 1999

Tributary to: Williamson River

WATER RESOURCES DEPT
SALEM, OREGON

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)
Physical Habitat	January 1-31	12
Riparian Habitat Maintenance	January 1-31	12
Physical Habitat	February 1-29	10
Riparian Habitat Maintenance	February 1-29	10
Physical Habitat	March 1-31	13
Riparian Habitat Maintenance	March 1-31	15
Physical Habitat	April 1-30	13
Riparian Habitat Maintenance	April 1-30	14
Physical Habitat	May 1-31	13
Riparian Habitat Maintenance	May 1-31	22
Physical Habitat	June 1-30	13
Riparian Habitat Maintenance	June 1-30	17
Physical Habitat	July 1-31	12
Riparian Habitat Maintenance	July 1-31	12
Physical Habitat	August 1-31	10
Riparian Habitat Maintenance	August 1-31	10
Physical Habitat	September 1-30	13
Riparian Habitat Maintenance	September 1-30	13
Physical Habitat	October 1-31	9
Riparian Habitat Maintenance	October 1-31	9
Physical Habitat	November 1-30	9
Riparian Habitat Maintenance	November 1-30	9
Physical Habitat	December 1-31	12
Riparian Habitat Maintenance	December 1-31	12
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 7 to Cap Flow 14

KLAMATH ADJUDICATION
 011
 CLAIM # 634 PAGE #

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: Larkin Creek (WM-10)

From mile/feature: Larkin Creek source

to mile/feature: Williamson River

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WATER RESOURCES DEPT
SALEM, OREGON

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

State of Oregon
Water Resources Department

Claim #: 635

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

1. Sources of Water: Sand Creek (WM-11)

Tributary to: Williamson River

OCT 01 1999

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

WATER RESOURCES DEPT
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)
Riparian Physical Habitat	January 1-31	22
Riparian Habitat Maintenance	January 1-31	22
Riparian Physical Habitat	February 1-29	22
Riparian Habitat Maintenance	February 1-29	22
Riparian Physical Habitat	March 1-31	23
Riparian Habitat Maintenance	March 1-31	310
Riparian Physical Habitat	April 1-30	26
Riparian Habitat Maintenance	April 1-30	310
Riparian Physical Habitat	May 1-31	50
Riparian Habitat Maintenance	May 1-31	310
Riparian Physical Habitat	June 1-30	33
Riparian Habitat Maintenance	June 1-30	310
Riparian Physical Habitat	July 1-31	33
Riparian Habitat Maintenance	July 1-31	74
Riparian Physical Habitat	August 1-31	30
Riparian Habitat Maintenance	August 1-31	48
Riparian Physical Habitat	September 1-30	30
Riparian Habitat Maintenance	September 1-30	33
Riparian Physical Habitat	October 1-31	30
Riparian Habitat Maintenance	October 1-31	30
Riparian Physical Habitat	November 1-30	29
Riparian Habitat Maintenance	November 1-30	29
Riparian Physical Habitat	December 1-31	26
Riparian Habitat Maintenance	December 1-31	26
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 25 to Cap Flow 561

KLAMATH ADJUDICATION
 CLAIM # 635 PAGE #

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: Sand Creek (WM-11)
From mile/feature: Sand Creek source
to mile/feature: Klamath Marsh

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WATER RESOURCES DEPT
SALEM, OREGON

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

State of Oregon
Water Resources Department

Claim #: 636

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

1. Sources of Water: Scott Creek (WM-12)

Tributary to: Williamson River

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

WATER RESOURCES DEPT

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	12
	Habitat Maintenance	January 1-31	12
Riparian	Physical Habitat	February 1-29	11
	Habitat Maintenance	February 1-29	11
Riparian	Physical Habitat	March 1-31	11
	Habitat Maintenance	March 1-31	110
Riparian	Physical Habitat	April 1-30	12
	Habitat Maintenance	April 1-30	110
Riparian	Physical Habitat	May 1-31	16
	Habitat Maintenance	May 1-31	110
Riparian	Physical Habitat	June 1-30	32
	Habitat Maintenance	June 1-30	110
Riparian	Physical Habitat	July 1-31	32
	Habitat Maintenance	July 1-31	47
Riparian	Physical Habitat	August 1-31	30
	Habitat Maintenance	August 1-31	30
Riparian	Physical Habitat	September 1-30	20
	Habitat Maintenance	September 1-30	20
Riparian	Physical Habitat	October 1-31	18
	Habitat Maintenance	October 1-31	18
Riparian	Physical Habitat	November 1-30	17
	Habitat Maintenance	November 1-30	17
Riparian	Physical Habitat	December 1-31	14
	Habitat Maintenance	December 1-31	14
Structural	Habitat Maintenance	January 1 - December 31	Trigger Flow 13 to Cap Flow 200

KLAMATH ADJUDICATION
 CLAIM # 636
 PAGE # 019

2. 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.

3. Priority Date: Time Immemorial

4. Date of creation of the federal reservation: October 14, 1864

5. Basis of right claimed: Indian Reserved Water Right, Aboriginal Water Right, Treaty of October 14, 1864.

6. 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.

7. Place of use:
Stream Name: Scott Creek (WM-12)
From mile/feature: Scott Creek source
to mile/feature: Klamath Marsh

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WATER RESOURCES DEPT
SALEM, OREGON

8. Point of diversion: No diversion is claimed.

9. County(ies) of place of use: Klamath

1. 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.

2. 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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- 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

State of Oregon
Water Resources Department

Claim #: 637

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).

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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

Sources of Water: Jackson Creek (WM-14)

OCT 01 1999

Tributary to: Williamson River

WATER RESOURCES DEPT.
SALEM, OREGON

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)
Physical Habitat	January 1-31	10
Riparian Habitat Maintenance	January 1-31	9
Physical Habitat	February 1-29	9
Riparian Habitat Maintenance	February 1-29	9
Physical Habitat	March 1-31	9
Riparian Habitat Maintenance	March 1-31	160
Physical Habitat	April 1-30	14
Riparian Habitat Maintenance	April 1-30	160
Physical Habitat	May 1-31	23
Riparian Habitat Maintenance	May 1-31	160
Physical Habitat	June 1-30	16
Riparian Habitat Maintenance	June 1-30	160
Physical Habitat	July 1-31	16
Riparian Habitat Maintenance	July 1-31	18
Physical Habitat	August 1-31	15
Riparian Habitat Maintenance	August 1-31	15
Physical Habitat	September 1-30	13
Riparian Habitat Maintenance	September 1-30	13
Physical Habitat	October 1-31	12
Riparian Habitat Maintenance	October 1-31	12
Physical Habitat	November 1-30	12
Riparian Habitat Maintenance	November 1-30	12
Physical Habitat	December 1-31	10
Riparian Habitat Maintenance	December 1-31	10
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 6 to Cap Flow 260

KLAMATH ADJUDICATION
 CLAIM # 637 PAGE # 013

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.

l. Priority Date: Time Immemorial

i. Date of creation of the federal reservation: October 14, 1864

i. Basis of right claimed: Indian Reserved Water Right, Aboriginal Water Right, Treaty of October 14, 1864.

i. 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.

i. Place of use:

Stream Name: Jackson Creek (WM-14)

From mile/feature: Jackson Creek source

to mile/feature: Williamson River

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OCT 01 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

i. Point of diversion: No diversion is claimed.

0. County(ies) of place of use: Klamath

1. 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

State of Oregon
Water Resources Department

Claim #: 638

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).

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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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OCT 01 1999

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

1. Sources of Water: Irving Creek (WM-15)

Tributary to: Jackson Creek

WATER RESOURCES DEPT.
SALEM, OREGON

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)
Physical Habitat	January 1-31	2
Riparian Habitat Maintenance	January 1-31	2
Physical Habitat	February 1-29	2
Riparian Habitat Maintenance	February 1-29	2
Physical Habitat	March 1-31	2
Riparian Habitat Maintenance	March 1-31	2
Physical Habitat	April 1-30	2
Riparian Habitat Maintenance	April 1-30	2
Physical Habitat	May 1-31	2
Riparian Habitat Maintenance	May 1-31	2
Physical Habitat	June 1-30	2
Riparian Habitat Maintenance	June 1-30	2
Physical Habitat	July 1-31	2
Riparian Habitat Maintenance	July 1-31	2
Physical Habitat	August 1-31	2
Riparian Habitat Maintenance	August 1-31	2
Physical Habitat	September 1-30	2
Riparian Habitat Maintenance	September 1-30	2
Physical Habitat	October 1-31	2
Riparian Habitat Maintenance	October 1-31	2
Physical Habitat	November 1-30	2
Riparian Habitat Maintenance	November 1-30	2
Physical Habitat	December 1-31	2
Riparian Habitat Maintenance	December 1-31	2
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 1 to 5 Cap Flow

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: Irving Creek (WM-15)
 From mile/feature: Irving Creek source
 to mile/feature: Jackson Creek

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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.

2. 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

State of Oregon
Water Resources Department

Claim #: 639

**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

1. Sources of Water: Deep Creek (WM-16)

Tributary to: Williamson 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)
Physical Habitat	January 1-31	9
Riparian Habitat Maintenance	January 1-31	9
Physical Habitat	February 1-29	8
Riparian Habitat Maintenance	February 1-29	150
Physical Habitat	March 1-31	9
Riparian Habitat Maintenance	March 1-31	150
Physical Habitat	April 1-30	12
Riparian Habitat Maintenance	April 1-30	150
Physical Habitat	May 1-31	12
Riparian Habitat Maintenance	May 1-31	150
Physical Habitat	June 1-30	20
Riparian Habitat Maintenance	June 1-30	20
Physical Habitat	July 1-31	18
Riparian Habitat Maintenance	July 1-31	18
Physical Habitat	August 1-31	14
Riparian Habitat Maintenance	August 1-31	14
Physical Habitat	September 1-30	13
Riparian Habitat Maintenance	September 1-30	13
Physical Habitat	October 1-31	12
Riparian Habitat Maintenance	October 1-31	12
Physical Habitat	November 1-30	11
Riparian Habitat Maintenance	November 1-30	11
Physical Habitat	December 1-31	10
Riparian Habitat Maintenance	December 1-31	10
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 6 to Cap Flow 253

KLAMATH ADJUDICATION
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1. 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: Deep Creek (WM-16)
- From mile/feature: Deep Creek source
- to mile/feature: Williamson 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.
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:
- 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
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 CLAIM # PAGE #

State of Oregon
Water Resources Department

RECEIVED Claim # 640 ISF

AMENDED STATEMENT AND PROOF OF CLAIM OCT 01 1999
TO THE USE OF SURFACE WATERS OF THE KLAMATH RIVER AND ITS TRIBUTARIES
FEDERAL OR INDIAN RESERVED WATER RIGHT WATER RESOURCES DEPT.
SALEM, OREGON

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

1. Sources of Water: Spring Creek (WM-17)

Tributary to: Williamson River

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)
Physical Habitat	January 1-31	308
Riparian Habitat Maintenance	January 1-31	357
Physical Habitat	February 1-29	308
Riparian Habitat Maintenance	February 1-29	361
Physical Habitat	March 1-31	308
Riparian Habitat Maintenance	March 1-31	387
Physical Habitat	April 1-30	308
Riparian Habitat Maintenance	April 1-30	389
Physical Habitat	May 1-31	308
Riparian Habitat Maintenance	May 1-31	340
Physical Habitat	June 1-30	308
Riparian Habitat Maintenance	June 1-30	327
Physical Habitat	July 1-31	308
Riparian Habitat Maintenance	July 1-31	313
Physical Habitat	August 1-31	308
Riparian Habitat Maintenance	August 1-31	324
Physical Habitat	September 1-30	308
Riparian Habitat Maintenance	September 1-30	320
Physical Habitat	October 1-31	308
Riparian Habitat Maintenance	October 1-31	343
Physical Habitat	November 1-30	308
Riparian Habitat Maintenance	November 1-30	352
Physical Habitat	December 1-31	308
Riparian Habitat Maintenance	December 1-31	355
Structural Habitat Maintenance	January 1 - December 31	Trigger Flow 131 to Cap Flow 500

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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: Spring Creek (WM-17)
- From mile/feature: Spring
- to mile/feature: Williamson 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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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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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 # **640** PAGE # **012**