

1-11-91
DOR

THE KLAMATH BASIN

WATER RIGHTS

ADJUDICATION

HOW TO FILE A CLAIM--SHOULD I FILE?

WHAT AREA IS BEING ADJUDICATED?

The Director of the Water Resources Department has filed a notice to begin an adjudication of the water rights of the Klamath River and its tributaries. According to state law and regulations this includes all waters that drain to the Klamath River. All water right holders within the Klamath Basin will be bound by the final determination of this adjudication.

Portions of the Klamath Basin have been previously adjudicated. These previously adjudicated areas include: the North and South Forks of the Sprague River, Anna Creek, Cherry Creek, Four-Mile Creek, Seven-Mile Creek and the west side of Wood River. The Lost River is not considered to be part of the Klamath River drainage basin in Oregon. Claims to use water in the previously adjudicated areas may not be filed unless you or your predecessors were not notified at the time of the adjudication.

WHO MAY FILE A CLAIM IN THE KLAMATH ADJUDICATION?

You may file to participate in the Klamath adjudication if:

- 1) You claim to have a use of surface water from a spring, creek, stream, river or lake that began before February 24, 1909 and the use has been continuous since then;
- 2) You have a claim to a federal reserved right;
- 3) You are an Indian claiming a right to practicable irrigable acreage;
- 4) You have a claim based on an Indian reserved right for practicable irrigable acreage and have developed that right within 5 years of purchase of the lands; or,
- 5) You are a surface water right holder within the Klamath basin and wish to have the opportunity to contest the claims of others.

WHAT IF I RECEIVE WATER FROM AN IRRIGATION DISTRICT OR FROM THE U.S. BUREAU OF RECLAMATION?

Either the irrigation districts or the U.S. Bureau of Reclamation may choose to file a claim for all of their customers. A water right will be allowed only once for each valid claim. You may check with your irrigation district, or the Bureau of Reclamation, or the Oregon Water Resources Department to determine if your property has been mapped and included as part of a larger claim.

If you only use water from a groundwater source or from a municipal water supply then you need not do anything further. You will not be a party to this proceeding.

WHAT HAPPENS AFTER I FILE THE CLAIM?

The Water Resources Department reviews each claim to determine if it is complete and accurate. All claims and maps are gathered together. In about one year, notice will be sent to all parties to come and examine all of the evidence. Those who are participants may file contests against any other person's claim. Contests are resolved either by the concerned parties or as a result of separate hearings. Findings are prepared by the Department and submitted to the Klamath Circuit Court. The Court holds hearings and issues a final decree on all of the vested water rights. There is an opportunity to appeal the Court's decision.

WHAT SHOULD I DO NOW?

If you use water directly from a spring, creek, lake, ditch or stream, decide if you will file a claim as an individual or as part of a larger district. If you wish to file your own claim, complete the enclosed form as best as you can and bring it with you during one of the times listed on the enclosed notice.

Your claim must include facts requested on the enclosed form:

- a. Your name and address.
- b. The stream from which water is taken.
- c. How you use the water.
- d. How much water is used.
- e. The date water was first put to use on your lands from that stream.

A large number of water uses in the Klamath Basin have been mapped by the Water Resources Department. The maps were prepared as a result of persons filing a notice of intent to file a claim in 1977. You may check the mapped area and Department files for your property at the time you file your claim. If your claim has not been mapped, you must have a map prepared by an engineer, surveyor, or a certified water rights examiner.

The facts of your claim should be documented as best you can with copies of land patents, deeds, contracts, and/or easements. Proof of uses of water may include statements from persons who know about the historical use of the water, letters, county records of an intent to use water, or other documents from the original developers of the water use. You must pay the fees listed below at the time you file your claim.

WHAT USES OF WATER CAN I CLAIM?

Only water that is used without waste can be claimed. Uses may include:

- a. Domestic use for a household including up to 1/2 acre of lawn and garden, and livestock for the family's use.
- b. Stock water for animals for commercial sale, or for wildlife.
- c. Irrigation of any crop.
- d. Commercial, industrial, or municipal uses.
- e. Power development or mining.
- f. Other uses, as can be documented.

HOW MUCH DOES IT COST TO FILE A CLAIM?

When you file a claim you must pay a fee.

For Irrigation Uses:	\$2.00 for each acre of irrigated lands up to 100 acres. \$1.00 for each acre over 100 acres, or a minimum fee of \$30.00.
For Power Use:	\$2.00 for each theoretical horsepower (thp) up to 100 thp. \$ 0.50 for each thp over 100 thp up to 500 thp \$ 0.35 for each thp over 500 thp up to 1000 thp and \$ 0.25 for each thp over 1000 thp.
For Each Other Use:	\$200.00 for the first cubic foot per second of pumping rate or fraction thereof. \$ 50.00 for each additional cubic foot per second.

WHAT HAPPENS IF I MISS THE DEADLINE?

If you fail to file during one of the times listed in the enclosed notice, you will be stopped from making any claim to the use of the water and will have forfeited your right to the use of the waters. You may request an extension of time for providing documentation of your claim, if you file the form and minimum fees by the deadline in the attached notice.

WHO SHOULD I CONTACT IF I HAVE QUESTIONS?

If you have have questions about filing a claim please call our Salem office at 378-3066. To avoid the crowds and to make better use of your time, please call for an appointment at 883-5533, after our Klamath Falls phone is available, beginning 10:00 am Wednesday, October 10, 1990.