State of Oregon
Statements about the Klamath River Basin Adjudication, the Klamath Tribes' Water Rights, the KBRA and how the 3 are related

from: Supplemental Media Materials and Frequently Asked Questions, March 7, 2013
http://www.oregon.gov/owrd/ADJ/docs/2013_03_07_Klamath_Adjudication_FAQs.pdf

Q11. How does the Klamath Basin Restoration Agreement (KBRA) affect the claim recognized in the Adjudication for the Klamath Tribes in Upper Klamath Lake?

A11. As part of the KBRA, the United States and Klamath Tribes have agreed not to make a call based on the Klamath Tribes' Upper Klamath Lake claim to any determined claims or water right certificates with a priority date senior to August 9, 1908. This agreement is in effect now, but requires the KBRA to remain in effect and certain events described in the KBRA to occur in order for the no-call agreement to become permanent .

from: State of Oregon Press Release – Klamath Adjudication – March 7, 2013
http://www.oregon.gov/owrd/ADJ/docs/2013_03_07_Klamath_River_Basin_Adjudication_Media_Release_Final.pdf

The most senior determined claims in the Klamath River Basin Adjudication are claims held by the United States in trust for the Klamath Tribes. These claims carry a priority date of "time immemorial." The tribal claims were recognized for certain reaches of the major tributaries to Upper Klamath Lake, and for Upper Klamath Lake itself. Other tribal claims were denied for streams outside the boundaries of the former Klamath Indian Reservation. For example, the Klamath Tribes' claim for portions of the Klamath River was denied.

In general, the recognized claims with the next most senior priority dates are "allottee" claims and "Walton" claims. Both types of claims are for land within the boundaries of the former Klamath Indian Reservation. They are based on the 1864 Klamath Treaty and carry an 1864 priority date. Allottee claimants are members of the Klamath Tribes who received allotments of land within the boundaries of the former Klamath Indian Reservation. Walton claimants are non-Indian purchasers of Indian allotments.

The Final Order of Determination includes a review of both proposed settlements and proposed orders, and either affirms or modifies them. The Final Order of Determination contains numerous modifications to the previously-issued proposed orders; three of the most significant are as follows:

(1) While the proposed orders for the Klamath Tribes' instream claims allowed water rights for off- reservation stream reaches, the Final Order of Determination denies these claims.

(2) Although the proposed order for the Klamath Reclamation Project1 claims determined that the United States was the owner of the water rights for the Project, the Final Order of Determination concludes that the beneficial users of the Project water hold the Project water rights for the purpose of beneficial use.

(3) The proposed orders for the Walton claims limited the scope of those claims. The Final Order of Determination modifies the proposed orders, resulting in an increase in the number of acres for which Walton rights are recognized.

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