

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath and Lake Counties

IN THE MATTER OF THE SUPPLEMENTAL)
DETERMINATION OF THE RELATIVE RIGHTS TO)
THE USE OF THE WATERS OF THE LOST RIVER)
AND ITS TRIBUTARIES, A TRIBUTARY TO)
TULE LAKE)

AMENDED SUPPLEMENTAL
FINDINGS OF FACT AND ORDER
OF DETERMINATION

On August 15, 1910, petitions were filed with the Board of Control, now the Water Resources Department, requesting a determination of the relative rights of the various claimants to the use of water from Lost River and its tributaries. A water use investigation was conducted and a Findings of Fact and Order of Determination was prepared and filed with the Circuit Court of the State of Oregon for Klamath County on August 27, 1917. Exceptions were filed by two claimants and further investigation took place. A Supplemental Findings of Fact and Order of Determination was filed with the Court August 2, 1918. The final Decree in this matter was signed by D.V. Kuykendall, Circuit Judge on September 12, 1918. A Supplemental Findings and Order of Determination finalizing the inchoate rights allowed by the final decree was filed November 1, 1922. Circuit Judge, A.L. Leavitt signed the Decree for these rights February 23, 1923.

In 1961, two complaints were filed in Lake County Circuit Court and two complaints were filed in Klamath County Circuit Court which asked that the Watermaster "... be enjoined from interfering with Plaintiff's right of storage and the use of the waters ..." on land in the Lost River Drainage Basin. The Lake County complaints were transferred to Klamath County and complaints were combined into Case No. 61-170E.

An order signed by then Circuit Judge David R. Vandenberg, on June 29, 1961, referred this matter "... to the State Engineer for a full and complete determination of the respective rights to Lost River and its tributaries located in Klamath County."

A motion to modify the court's order of June 29, 1961, was filed on January 7, 1963, by the State Engineer through his attorney. The motion suggested a supplemental determination of the rights of Lost River rather than a full and complete determination. The motion was made on the ground that Court's Decree Equity No. 915, dated September 12, 1918, was res judicata as to the adjudicated rights of Lost River and its tributaries and barred a new, full and complete determination.

On the 2nd day of April 1979, Circuit Court Judge Ted Abram signed an order that "The Water Resources Director shall proceed with determination and adjudication of vested rights of parties on lands not included in the original adjudication and incorporate this determination with the original adjudication so that a full and complete adjudication of Lost River and its tributaries will be accomplished."

The above-entitled matter has now been considered by the Water Resources Director (Director), evidence and testimony have been taken, and the Director having carefully considered all such evidence and testimony and the engineering data and information

gathered in accordance with law, makes and orders to be entered of record in his office the following:

FINDINGS OF FACT AND ORDER OF DETERMINATION

(1)

The Lost River is formed by Clear Lake Reservoir in California at a spillway elevation of 4,477 feet, for which the main tributary is Willow Creek. The Willow Creek Basin lies easterly of Clear Lake Reservoir and has an area of 505 square miles of which 47 square miles are located in Oregon and 458 square miles are located in California. The remainder of the drainage basin tributary to Clear Lake Reservoir has an area of approximately 237 square miles and is comprised mainly of flat desert land with a few intermittent flow channels tributary to the reservoir.

Originally, Lost River drained into Tule Lake at an elevation of about 4,060 feet before Tule Lake was drained, diked and reduced in size to what is now called the Tule Lake Sump. A tunnel has been constructed through a high rim on the west side of the sump and water is pumped from the Tule Lake Sump through the tunnel into Lower Klamath Lake and eventually to the Klamath River. During initial construction of the Klamath Project by the Bureau of Reclamation, a diversion canal was constructed connecting the Lost and Klamath Rivers, which allows the diversion of Lost River flood flows into the Klamath River. There is approximately 447 feet fall between Clear Lake Reservoir and Tule Lake Sump. Of this 447 feet fall, there is 337 feet in the first 14 miles and only 110 feet in the last 66 miles of the stream. The 110 feet of fall is fairly uniform.

The Lost River drainage (excluding the area in California draining directly into the reclaimed Tule Lake area) consists of 1,505 square miles. The only major tributary stream to Lost River in Oregon is Miller Creek with a drainage area of 275 square miles. Miller Creek and its tributaries, Ben Hall Creek, Barnes Creek, Barnes Valley Creek, Long Branch Creek, Lampham Creek, Pitch Log Creek and Wildhorse Creek have a drainage basin with the longitudinal axis extending in a northwest-southeast direction approximately 28 miles long, starting at the divide with Sprague River drainage in Klamath County on the northerly side and at the divide with the Goose Lake drainage in Lake County on the east end. Construction for Gerber Reservoir on Miller Creek was completed in June 1925 by the U.S. Bureau of Reclamation. The reservoir has a capacity of 94,270 acre-feet.

The normal annual precipitation of Lost River Basin varies from 10 inches at Merrill to a maximum of 20 inches at the northeast side of the basin on Barnes Rim. Most winter precipitation falls as snow, particularly at higher elevations. Mid-winter rains are frequent in the lower elevation areas.

(2)

Pursuant to ORS 539.030, the Director fixed a time for the making of necessary surveys and examinations and beginning of the taking of such testimony as would enable him to determine the relative rights of the various claimants to the use of the waters of Lost River and its tributaries, not included in the original adjudication and subject to the provisions of ORS Chapter 539.

(3)

A notice was prepared setting forth the date when the Director would begin the investigation of the flow of water in the Lost River and its tributaries, and the existing works for the utilization of waters thereof. The notice was published in two issues of the Lake County Examiner, a newspaper printed and published weekly at Lakeview, Lake County, Oregon, and of general circulation in Lake County; and in two issues of the Herald & News, a newspaper printed and published daily at Klamath Falls, Klamath County, Oregon and of general circulation in Klamath County; said two issues of the Lake County Examiner and the Herald & News newspapers being those of June 5 and 12, 1980, the date of the last publication being more than ten days prior to the date fixed for the beginning of the investigations and measurements of said stream system by the Director.

(4)

The Director sent by certified mail to each person, firm or corporation owning or being in possession of lands not included in the original Lost River Adjudication and, bordering on or having access to said stream or its tributaries, insofar as said claimants and owners and persons in possession could reasonably be ascertained, a notice similar to such published notice. Included was an explanatory statement and a blank form upon which the claimant or owner could prepare in writing his notice of intention to file a statement and proof of claim of his right to the use of the waters of Lost River and its tributaries.

(5)

The following persons, firms, or corporations were duly notified of the proceeding by certified mail, as set forth in paragraph 4 above:

-A-

ADAMS, Robert S.; MILLER, Otto J.; dba Lacombe Brangus Far	19 Carmel Bay, Corona Del Mar, CA 92625
ALBERTSON, Jack & Flo; ALBERTSON, Leo & Anna; ALBERTSON, Lynn & Barb	Rt. 6, Box 466 & 470, Lakeview, OR 97630
ALBERTSON, Jack & Florence	Rt. 6, Box 466, Lakeview, OR 97630
ALBERTSON, Leo & Anna	Route 6, Box 470, Lakeview, OR 97630
ALLEN, Armand C.	1657 Malcomb Ave. #2, Los Angeles, CA 90024
ALLEN, Rollo III	Box 15, Dairy, OR 97625
ALYWARD, James c/o Jackson County Courthouse	Kansas City, MO 64100
ANDERSON, Lowell O.; FARRINGTON, B.F. & M.B.	Rt. 1, Box 86, Bonanza, OR 97623
ANDERSON, Lowell O.; GARRIOTT, W.L. Jr. & J.	Rt. 1, Box 118, Bonanza, OR 97623

ANDERSON, McKinley 2140 Patterson, Klamath Falls, OR 97601

ANDERSON, Phillip Copco Star Route, Hornbrook, CA 96044

ANGEL, Jean D. Box 20, Dairy, OR 97625

ANGEL, Jesse J. & Jean D. Box 20, Dairy, OR 97625

ARANT, Gerald G. & Jeanie 11430 Hill Road, Klamath Falls, OR 97601

ARATA, L. & Linda S. Rt. 1, Box 800, Bonanza, OR 97623

ARTERBERRY, M.L. & R. P.O. Box 51, Dairy, OR 97625

AVALOS, S.M. & Patricia J; GROW, R.G. & Barbara 6409 Palomino, Klamath Falls, OR 97601

-B-

BABSON, D.G. & Rose M. 1450 Waverley, Palo Alto, CA 94301

BABSON, Dennis 1450 Waverley, Palo Alto, CA 94301

BAKER, N.E. Jr. & Evelyn Rt. 1, Box 662, Klamath Falls, OR 97601

BALDOCK, Florence Rt. 3, Box 330, Klamath Falls, OR 97601

BALDOCK, Florence; GILCHRIST, S. & Betty J. 3157 Rogers Ave., Walnut Creek, CA 94596

BALDWIN, Glenn & Judy Rt. 1, Box 77, Bonanza, OR 97623

BALIN, Harold E. Rt. 1, Box 600B, Klamath Falls, OR 97601

BANKE, Gladys F.; CARLSON, Louise Adeline; GLASS, Ethel Dorothy; MALFAIT, Viola; and RONDEAU, Orton; RONDEAU, Howard Zeb; RONDEAU, Hilda May; RONDEAU, Henry L. 218 SE James, Camas, WA 98607

BANKSTON, J.L. & L.C. 424 Torrey Street, Klamath Falls, OR 97601

BAR C.L. INC. c/o G.J. Lorenz P.O. Box 4225, Redding, CA 96001

BARNEY, Amelia; BISHOP, Daryl D. Box 29, Malin, OR 97632

BATTANY, Margaret 7600 Primavera Way, Carlsbad, CA 92008

BAYLESS, J.G.; BAYLESS, P.; TURLEY, Florence B. 7273 Lindell Blvd., St. Louis, MO 63130

BECRAFT, Everett J. Rt. 6, Lakeview, OR 97630

BELT, Harold C. 10553 Roundtree Road, Los Angeles, CA 90064

BENEDICT, M.M. & Georgia Rt. 2, Box 756A, Klamath Falls, OR 97601

BENNETT, M. & Teresita 11196 Calle Dario, San Diego, CA 92126

BENNINGTON, J.T. & Claudia 5538 Bel Aire, Klamath Falls, OR 97601

BERNAL, F.V. & Wanda L. 5101 Monterey Rd. #84, San Jose, CA 95111

BIAGGI, Charles W. & Peggy J.; VENABLE, T.M. & Patricia A. Star Route, Dairy, OR 97625

BLACK, John W. & R.A. & D.E. 4442 Belair Drive, La Canada, CA 91011

BLAIR, Woody Dee Rt. 1, Box 287, Bonanza, OR 97623

BODNAR, Bessie; BODNAR, John Andrew Dairy, OR 97625

BOHEMIA LUMBER COMPANY 78863 Bryson Sears Road, Cottage Grove, OR 97424

BONANZA BOOSTER CLUB; MATHIS, L.L. & Erika G. Rt. 1, Box 249D, Bonanza, OR 97623

BORN, Dorothy R. 9431 Hill Road, Klamath Falls, OR 97601

BORN, Dorothy R.; BORN, Alvin; BORN, Donald; BORN, David; BORN, Jean Lorraine; BORN PROPERTIES; STRONG, Ruth Ann Born 4093 Barrett St. S., Salem, OR 97302

BOWEN, J. & Debbie 724 Gier Ct., San Jose, CA 95111

BOWMAN, P.S. & Helen Box 295, Route 1, Haiku, Maui, Hawaii 96708

BOYSTON, Dr. George 9905 SW Imperial Drive, Portland, OR 97225

BRADLEY, Marguerite A. Box 902, Klamath Falls, OR 97601

BRANT, Michael, Conserv.; ROSS, Norman G., c/o Dairy Cafe P.O. Box 43, Bonanza, OR 97623

BRENDA, David H. & Ann E. P.O. Box 1, Dairy, OR 97625

BROWN, Barton Dennis Rt. 2, Box 719, Klamath Falls, OR 97601

BROWN, Basil W. & Adah c/o Brown Cattle Co. Rt. 2, Box 719-1/2, Klamath Falls, OR 97601

BROWN, Basil; BROWN, Adah Rt. 2, Box 719, Klamath Falls, OR 97601

BROWN, Coie Elizabeth Rt. 2, Box 719, Klamath Falls, OR 97601

BROWN, G.F. & Lois M. Rt. 1, Box 323, Bonanza, OR 97623

BROWN, Richard C. Rt. 1, Box 230, Bonanza, OR 97623

BUCKLEY, William & Lila Rt. 1, Box 97, Bonanza, OR 97623

BURGDORF, E.A. & Carolyn M. Box 21, Dairy, OR 97625

BURK, M.G. & Winifred; MASTEN, S.C. & P.A. Rt. 2, Box 799, Klamath Falls, OR 97601

BURNETT, William J.	Rt. 1, Box 143, Bonanza, OR 97623
BUSGEN, Dennis Paul	7585 Hughes St., Lemon Grove, CA 92045
BYERS, Henry; MASON, J.R. & Carolyn R.*	P.O. Box 1269, Port Alberni, British Columbia, Canada
-C-	
CAIN, M.L. & Margaret M.	Star Route, Dairy, OR 97625
CAIN, Milo & Janet	Route 6, Box 176, Lakeview, OR 97601
CALANDER PINE CORP.	6000 Harvard Ave., Cleveland, Ohio 44105
CALL, Marie E.	2222 Ave of the Stars, Los Angeles, CA 90067
CAMPBELL, Aubrey D.	1380 Pine Grove Road, Klamath Falls, OR 97601
CAMPBELL, I.E.; CAMPBELL, Carrie K.; CAMPBELL, Edward Lee; CAMPBELL, Maureen Gay	Rt. 2, Box 715, Klamath Falls, OR 97601
CAPELLEN, O.H. & Florence	P.O. Box 24, Dairy, OR 97625
CAPELLEN, O.H. & Florence; HANSEN, D.G. & J.M.	P.O. Box 52, 4212 Fargo St., Dairy, OR 97625
CARSON, D. C. & Patricia A.	1750 Homedale, Klamath Falls, OR 97601
CARSON, S.M. & Henrietta J.	Rt. 1, Box 667M, Klamath Falls, OR 97601
CARTER, Russell Dean	2800 SE 1st, Apt. 2, Gresham, OR 97030
CEARING, R.E. & Lorene I.	22575 Alcalde Road, Cupertino, CA 95014
CHALLIS, F.M. & Mathilda M.	Rt. 1, Box 312, Bonanza, OR 97623
CHALLIS, Matilda	Rt. 1, Box 312, Bonanza, OR 97623
CHANDLER, J.D. Jr. & D.R.	Box 35, Big Pine, CA 93513
CHAPMAN, J.R. & Joannah M.; CHAPMAN, J.L., Trustees	Rt. 2, Box 805, Klamath Falls, OR 97601
CHAPMAN, L.E.	78863 Bryson Sears Road, Cottage Grove, OR 97424
CHARLES, James D.	606 South 6th Street, Klamath Falls, OR 97601
CHEYNE FARMS INC.	Box 159, Macdoel, CA 96058
CHEYNE, Robert E. & Helen J.; OWENS, J.B. & E. Marie	520 Klamath Ave., Klamath Falls, OR 97601
CHEYNE, Robert E; CHEYNE, Helen J.	Box 159, Macdoel, CA 96058
CHRISTENSEN, B.F. & Daisy	9465 Hill Road, Klamath Falls, OR 97601
CIRCLE FIVE RANCH, INC.	Rt. 1, Box 73, Bonanza, OR 97623
CIRCLE FIVE RANCH, INC.; VOSS, Robert & Naomi	Rt. 1, Box 111, Bonanza, OR 97623
CLARK, L.W. & Katherine R.	Rt. 1, Box 656A, Klamath Falls, OR 97601
CLARK, L.W. & Katherine; SLATON, Ronald C.	Rt. 1, Box 656A, Klamath Falls, OR 97601
CLAWSON, T.Z. & Sharon L.	Rt. 2, Box 790, Klamath Falls, OR 97601
COFFEY, Bill L. & Thelma J.	10872 S. Stelling Road, Cupertino, CA 95014
COFFIN, Nancy B., Trustee	Rt. 1, Box 660 F, Klamath Falls, OR 97601
COFFIN, S. Rush	Rt. 1, Box 6571, Klamath Falls, OR 97601
COLAHAN, Patrick T.; COCHRAN, Alta Marie	1801 Oregon Ave., Klamath Falls, OR 97601
COLAHAN, Raymond R.; COLAHAN, Joseph M.; COLAHAN, Kathleen D.	Rt. 1, Box 380, Paisley, OR 97636
COLAHAN, Raymond R.; COLAHAN, Joseph M.; COLAHAN, Kathleen D.; COLAHAN, Patrick T.;	Rt. 1, Box 380, Paisley, OR 97636
COLAHAN, Alta Marie	
COLLINS, J.L. & Geraldine	7600 Primavera Way, Carlsbad, CA 92008
CONKLIN-FENSTERMAKER INC.	5112 N. Calmview Ave., Baldwin Park, CA 91706
CONNELLY, J.H. & Mary H.	Star Route, Janeville, CA 96114
CONNER, W.E. & Leta J.	Rt. 1, Box 17, Bonanza, OR 97623
COONEY, K.S. & Maria	P.O. Box 1417, Klamath Falls, OR 97601
CORDIS, K.L. & Jo Anne I.	Rt. 1, Box 205, Bonanza, OR 97623
CRATER LAKE FARMS, INC.; MCINTYRE & WALKER	3516 Montavilla Drive, Klamath Falls, OR 97601
CUMMOCK, Harry	5063 Topanga Blvd., Woodland Hills, CA 91364
CUNARD, K.E. & Maryann L.	P.O. Box 261, Klamath Falls, OR 97601
CUNNINGHAM, Mildred D.	P.O. Box 84, Rogue River, OR 97537
CURTIS, Emmett	Rt. 1, Box 345D, Bonanza, OR 97623
CURTIS, Margaret Ellen; MCCONNELL, C.R. & Mary	5925 Whitnall Hwy., N. Hollywood, CA 91606
CURTIS, Margaret Ellen; PROBUS, E.R. & Teresa L.	P.O. Box 33, Bonanza, OR 97623

CURTISS, C.A. & Deanna E.

Harriman Rt. Box 20, Klamath Falls, OR
97601

-D-

D & L RANCH

4231 Bisbee #5, Klamath Falls, OR
97601

DG SHELTER PRODUCTS CO.
DAMUTH, R.D. & Juanita M.

P.O. Box 127, Klamath Falls, OR 97601
Rt. 5, Box 1139, Klamath Falls, OR
97601

DARROW, E.E. & Viola J.

1818 Kane Street, Klamath Falls, OR
97601

DARROW, K.W. & Janice L.

4480 Pine Grove Road, Klamath Falls,
OR 97601

DARROW, Kenneth W.; DARROW, Earl E.
DASSLER, F.W. & Bertie L.

1818 Kane, Klamath Falls, OR 97601
Rt. 2, Box 790B, Klamath Falls, OR
97601

DAVIS, H.R. & Mary Ann
DAVIS, Mosley & Phyllis

P.O. Box 141, Klamath Falls, OR 97601
Rt. 2, Box 754F, Klamath Falls, OR
97601

DEAN, Donal H.
DEAN, W.F. & Gladys

Drawer F, Merrill, OR 97633
8353 Arant Road, Klamath Falls, OR
97601

DEBAUN, James R., Trustee
DEJONG, Elso
DEJONG, Elso & Dita
DESHON, James B. & Betty
DEVAUL, Orval & Beatrice; ARROQUERO, Frank & J.
DEHLINGER, Clyde L. & G.R.

BC 1-10, Big Bear Lake, CA 92315
Rt. 1, Box 202, Bonanza, OR 97623
Rt. 1, Box 202, Bonanza, OR 97623
Rt. 2, Box 67, Tulelake, CA 96123
Rt. 1, Box 96, Bonanza, OR 97623
8660 Dehlinger Lane, Klamath Falls, OR
97601

DEHLINGER, G. & Dorothy

11390 Hill Road, Klamath Falls, OR
97601

DEHLINGER, G. & Dorothy; MCDONALD, Pamela
DEHLINGER, Glen

1717 Lakeview, Klamath Falls, OR 97601
11390 Hill Road, Klamath Falls, OR
97601

DEHLINGER, HAROLD & SON

9338 Hill Road, Klamath Falls, OR
97601

DEHLINGER, HAROLD & SONS; DEHLINGER, Glenn

Rt. 2, Box 670-A, Klamath Falls, OR
97601

DEHLINGER, Monte

11417 Hill Road, Klamath Falls, OR
97601

DEHLINGER, Monte; PEASE, W.H. & Barbara M.

Rt. 2, Box 674, Klamath Falls, OR
97601

DETRICK, R.O. & D.L.
DOAK, Floyd Anthony; DOAK, Eddie Dean
DOBBERPUHL, K.A. & Dexter

Star Route, Box 120, Malin, OR 97632
2765 Cory Ave., Akron, OH 44314
7357 Henley Road, Klamath Falls, OR
97601

DOWNEY, Lowell & Marjorie
DOWNEY, Owen & Shirley

P.O. Box 989, Merced, CA 95340
1617 Dorothy Lane, Cincinnati, OH
45202

DOWNEY, R.A.
DOWNEY, Russell & Elsie
DRAKE, Mary McAuliffe; LEQUIEU, A. & Thora D.
DREW, W.N. & Alice L.
DREW, William N.
DUNCAN, C. G. & Leone M.
DUNCAN, Kenneth H.
DUNN, E. J. & Juanita M.
DURANT, Helen M.

P.O. Box 989 Merced, CA 95340
P.O. Box 989 Merced, CA 95340
3004 Raymond, Klamath Falls, OR 97601
Box 19, Dairy, OR 97625
Box 19, Dairy, OR 97625
P.O. Box 277, Malin, OR 97632
Box 91, Malin, OR 97632
311 NE 134th Place, Portland, OR 97230
513 NW Newport, Bend, OR 97701

-E-

EARLE, R.B. & Betty S.
EDWARDS, D.E. & Bessie P.; REYNOLDS, D.C.
& Janet
EDWARDS, Greg A.
ETCHISON, J.R. & Sally W.

Rt. 1, Box 288, Bonanza, OR 97623
Rt. 1, Box 791, Bonanza, OR 97623

EVANS, Arthur E.
EVATT, J.T. & Norma J.
EVATT, R. N. & Myrtle I.

1360 Myers St., Oroville, CA 95965
11423 Hill Road, Klamath Falls, OR
97601
Star Route, Box 36, Malin, OR 97632
Rt. 1, Box 31, Bonanza, OR 97623
Rt. 1, Box 31, Bonanza, OR 97623

FAILER, Josephine 230 15th Ave., Columbus, OH 43200
FAIRCLO, David P. & Richard S.; FAIRCLO, Susan E. Rt. 2, Box 810, Klamath Falls, OR
97601
FAIRCLO, Paul H.; FAIRCLO, Ann S. Rt. 2, Box 810, Klamath Falls, OR
97601
FARR, John S. P.O. Box 2481, Santa Clara, CA 95051
FAVELL UTLEY REALTY CO. 120 North E. Street, Lakeview, OR
97630
FAYDREX INC. 1054 S. Riverside, Medford, OR 97501
FELLOWS, Harry M. c/o Walter M. Fellows 258 W. 7th Street #54, San Jacinto, CA
92383
FELLOWS, Walter M. 258 W. 7th Street #54, San Jacinto, CA
92383
FERNLUND, G. & Bonnie Rt. 1, Box 71B, Bonanza, OR 97623
FIELDS, Mary Rt. 1, Box 112, Bonanza, OR 97623
FISHER, Marjorie I.; SNELL, H.L. & Marianna Rt. 1, Box 664, Klamath Falls, OR
97601
FITZHUGH, P. & Billie D.; DEVAUL, J.C. & Madelon Rt. 1, Box 75D, Bonanza, OR 97623
FLESHER, Michael W. P.O. Box 278, Merrill, OR 97633
FLESHER, Steven John P.O. Box 278, Merrill, OR 97623
FLESHER, W.S. & Ann Hook P.O. Box 278, Merrill, OR 97633
FLESHER, W.S. & Ann Hook; IF RODGERS & SONS Rt. 2, Box 752, Klamath Falls, OR
97601
FLESHER, W.S. & Ann Hook; RODGERS, Ronald R; Rt. 2, Box 752, Klamath Falls, OR
RODGERS, Russell R.; RODGERS, Radley R. 97601
FLITCRAFT, Marijane D. 745 Loma Linda, Klamath Falls, OR
97601
FLYING DUTCHMAN LAND & CATTLE; WIERSMA, G. & P.O. Box 177, Bonanza, OR 97623
Agnes
FORT BIDWELL CATTLE PROD. CO. P.O. Box 357, Buellton, CA 97427
FRANCISCO, J.H. & Dorothy Rt. 1, Box 667, Klamath Falls, OR
97601
FREITAG, G. & Gertrude Rt. 1, Box 803 Bonanza, OR 97623
FREUER, Margaret W. 4941 Kipling Drive, Carmichael, CA
95608
FRIEDMAN, Maurice 323 S. 1st Street, Council Bluffs, IA
51501
FROMAN, E.M. & Madelyn P.O. Box 3, Courtland, CA 95615
FRY, John D. 11445 Hill Road, Klamath Falls, OR
97601
FRYE, Stuart S. c/o Black Canyon Ranch Rt. 1, Box 92, Bonanza, OR 97623

GALVEY, Javier 928 S. Greenwood, Ontario, CA 91761
GANSBERG, Clarence E. 1776 Washburn Way, Klamath Falls, OR
97601
GARREN, Arthur A. P.O. Box 278, Bonanza, OR 97623
GARREN, Arthur A.; JAGER, M.B. & Margaret 1112 Pescador Ave., Newport Beach, CA
92660
GARRET, E.L. & Mildred Rt. 6, Box 710, Lakeview, OR 97630
GARRETT, Edward & Mildred Route 6, Lakeview, OR 97630
GARRETT, Edward L. Rt. 6, Box 710, Lakeview, OR 97630
GERBER, Henry C. Rt. 1, Box 62A, Bonanza, OR 97623
GERBER, Henry C.; LIVINGSTON, M.G. & E.G. P.O. Box 67, Bly, OR 97622
GERBER, Henry C.; BRUCE, S.G. & H. Max 686 8th Ave., Yuma, AZ 85364
GERBER, Henry C.; BRUCE, Sylvia, G. 686 8th Ave., Yuma, AZ 85364
GERBER, Mariam W. Rt. 1, Box 62A, Bonanza, OR 97623
GERBER, Mariam W.; LIVINGSTON, M.G. & E.G. P.O. Box 67, Bly, OR 97622
GETTLE, H. & Bertha; SHARP, L. & Mary Jo 4933 Gracile Ct., Klamath Falls, OR
97601
GIACCOMINI, J.D. & Alameda Star Route Box 11, Merrill, OR 97633
GIBSON, Carl D. & Rhodadeen Rt. 1, Box 140, Bonanza, OR 97623
GILBERT, Gulcin 1600 Queens Road, Los Angeles, CA
90069
GILLAM, C. Jr. & Anne P.O. Box 147, Bonanza, OR 97623
GIORDANO, Mario Louise & Diana Janet Rt. 1, Box 133A, Bonanza, OR 97623
GLADE, Harvey P.O. Box 11558, Salt Lake City, UT
84147
GOOSE LAKE TIMBER COMPANY 6000 Harvard Ave., Cleveland, OH
44105
GOOSE LAKE TIMBER COMPANY 12100 Euclid Ave., Cleveland, OH 44100
GORDON BOWMAN & SON INC. Rt. 2, Box 774, Klamath Falls, OR
97601
GRANT, A. Eleanor K. 1469 Morningside Lane, Klamath Falls,
OR 97601
GRAY, W. J. & Lucille D. 86126 Drummond Drive, Eugene, OR 97405

GREAT NORTHERN R R CO.
GREEN, John L. Jr. c/o Marie E. Call
GRIMES, Hetta Maurie,
GRIMES, James Grigsby
GRIMES, June E.
GROHS, Frank P. Jr.; GROHS, Neil C.

Rm. 301, Great Northern Bldg., 404
Union St., Seattle, WA 98101
2222 Ave of the Stars, Los Angeles, CA
90067
Rt. 2, Box 717, Klamath Falls, OR
97601
Rt. 2, Box 717 A, Klamath Falls, OR
97601
1515 Arthur #3, Klamath Falls, OR
97601
Rt. 1, Box 117, Bonanza, OR 97623

-H-

HALL, H.W. & Elaine M.
HAMEL, R.W. & Ruthmarie
HAMILTON, G. R. & Karen S.
HAMILTON, R. & Karen
HAMILTON, R. & Karen; BALDWIN, G. & Judy
HAMMERICH, Wilmer E. & Barbara J.
HANKINS, L. L. & Christine
HANKINS, L. L. & Iola W.
HARTELIUS, E. & Grethe

HASKINS & CO. INC.
HASKINS, L. & Norma Jane
HASKINS, L.L. & Sharon M.
HAUGHT, W. W. Jr. & Anna
HAWKINS, Richard H. & Nora

HEIM, M. & Lou Ann

HELLEKSON, J. C. & Mildred
HENDRICKSON, D.C. & M.I.; HEIM, M. & Lou Ann

HESS, F. G. & Edith M.

HICKEY RANCHES INC.
HICKEY, D. & Jane
HIGH, Taylor E. & Betty J.

HIGH, Zella

HILL, D. D. & Sandra A.

HILL, Louis T. & Irene F.

HILL, R. M. & Frankie
HOBLIT, L.F. & Marilyn M.

HOEFLER BROS.
HOLL LOGGING
HOLLANDS DAIRY INC.

HOLMES, Jack D. & Lorraine T.
HORSLEY, D.J. & Helen C.
HORTON, John C.; MONFORTON, R.J.; MONFORTON,
Georgia J.; MONFORTON, Thomas W.; MONFORTON,
Elaine L.
HORTON, L. J. & Anne S.

HORTON, R. L. & Greta Mae
HORTON, Robert L.
HOUSE, D. L. & K.

HOWARD, Roy; COOPER, H.R. & Peggy J.

HOWELL, Ed L.

HOWLAND, Charles T. & Mary Lou
HRICZISCSE, Peter & Mabel B.
HUBBARD, James M. & Marjorie A.
HUBBARD, Michael M.
HUBBLE, D. W. & Shirley M.; DYE, Ronald W. &
Louise
HUFFMAN, J. J. & Leona M.
HUGHES, E.E.
HUNT, R.W. & Doris J.; SIMMONS, S.W. & Karen L.
HUNT, Robert & Doris

P.O. Box 113, Bonanza, OR 97623
Star Route, Dairy, OR 97625
Bonanza, OR 97623
Bonanza, OR 97623
Route 1, Bonanza, OR 97623
Rt. 1, Box 119, Bonanza, OR 97623
Rt. 1, Box 221, Bonanza, OR 97623
Rt. 1, Box 221, Bonanza, OR 97623
2345 East Coast Hwy., Corona Del Mar,
CA 92625
Rt. 1, Box 796, Bonanza, OR 97623
Rt. 1, Box 799, Bonanza, OR 97623
Rt. 1, Box 796, Bonanza, OR 97623
Star Route, Box 81A, Malin, OR 97632
Rt. 2, Box 796D, Klamath Falls, OR
97601
Rt. 3, Box 271B, Klamath Falls, OR
97601
Bonanza, OR 97623
Rt. 3, Box 217B, Klamath Falls, OR
97601
Rt. 1, Box 631C, Klamath Falls, OR
97601
Box 67, Merrill, OR 97633
Box 67, Merrill, OR 97633
Rt. 2, Box 742, Klamath Falls, OR
97601
Rt. 2, Box 742, Klamath Falls, OR
97601
Rt. 1, Box 657AC, Klamath Falls, OR
97601
Rt. 1, Box 657, Klamath Falls, OR
97601
Rt. 1, Box 311, Bonanza, OR 97623
4306 Pine Grove Road, Klamath Falls,
OR 97601
Rt. 1, Box 241, Bonanza, OR 97623
Loveness Road, Malin, OR 97632
Rt. 2, Box 746, Klamath Falls, OR
97601
4631 Thompson, Klamath Falls, OR 97601
P.O. Box 8, Bonanza, OR 97623
Rt. 2, Box 798, Klamath Falls, OR
97623

Rt. 2, Box 798, Klamath Falls, OR
97601
1940 Painter, Klamath Falls, OR 97601
1940 Painter, Klamath Falls, OR 97601
Rt. 2, Swan Lake Road, Klamath Falls,
OR 97601
1709 SW Blankinship #17, West Linn, OR
97068
325 Main Street, Klamath Falls, OR
97601
Rt. 1, Box 91, Bonanza, OR 97623
Rt. 1, Box 126, Bonanza, OR 97623
Rt. 1, Box 21, Bonanza, OR 97623
Rt. 1, Box 20, Bonanza, OR 97623
P.O. Box 34, Bonanza, OR 97623

Rt. 1, Box 86, Bonanza, OR 97623
RFD 1, Walshville, IL 62091
21716 McGrath Road, Bend, OR 97701
Rt. 1, Box 891, Klamath Falls, OR
97601

HUNTER, M. W. & Shirley M.; SANTIAM FORD INC.	Rt. 2, Box 789 Klamath Falls, OR 97601
-I-	
IF RODGERS & SONS	Rt. 2, Box 752, Klamath Falls, OR 97601
INGRAM, J. H. Sr. & Gladys M.	Rt. 1, Box 788, Bonanza, OR 97623
-J-	
JAGER, M.B. & Margaret H.	1112 Pescador Drive, Newport Beach, CA 92660
JAHN, Robert W.	18021 E. Collins, Villa Park, CA 92667
JELD-WEN INC.	3303 Lakeport Blvd., Klamath Falls, OR 97601
JENDRZEJEWSKI, Bernard J.; RAJNUS, C.A. & Virginia	Harpold Road, Malin, OR 97632
JOHNSON STOCK COMPANY	P.O. Box 62, Malin, OR 97632
JOHNSON STOCK COMPANY c/o Stanley Johnson	P.O. Box 62, Malin, OR 97632
JOHNSON, C.W. & Dorothy	9505 Hill Road, Klamath Falls, OR 97601
JOHNSON, C.W. & Dorothy E.; LAMB, Charlotte J.	9513 Hill Road, Klamath Falls, OR 97601
JOHNSON, Frank	901 NE 129th Street, Vancouver, WA 98665
JOHNSON, I.C. & Mary Anna	Rt. 1, Box 656, Klamath Falls, OR 97601
JOHNSON, Roger & Sylvia	P.O. Box 121, Winnemucca, NV 89445
JONES, Marvin W. & Golda J.; RODGERS, J.L. & Mary	4412 Sturdivant, Klamath Falls, OR 97601
JONES, R.	7025 NE 42nd Ave., Portland, OR 97268
JONES, Ray; MARCHANT, Joanna c/o L.Z. & M.C. Smith	Rt. 1, Box 247, Bonanza, OR 97623
JORGENSEN, R.J. & Erna D.	Rt. 1, Box 832, Bonanza, OR 97623
JOY, Ed	3438 Summit Street, Kansas City, MO 64100
-K-	
KANDRA, Lewis L. & Anna	Rt. 1, Merrill, OR 97633
KANE, Donald J. Jr.	Rt. 1, Box 781, Bonanza, OR 97623
KEEFER, A. G. & Christina M.	2010 Carlson Drive, Klamath Falls, OR 97601
KELLEY, Bill R.	3254 Fairview, Dallas, TX 75223
KENNEDY, W. M. & Barbara H.	Rt. 2, Box 795, Klamath Falls, OR 97601
KENNEY, W.O. & Bertha B.	2320 Biehn Street, Klamath Falls, OR 97601
KENT, Eldon H. & Virginia	Rt. 1, Box 71, Bonanza, OR 97623
KESTER, G. B. & Ruby P.	Rt. 2, Box 765, Klamath Falls, OR 97601
KILLINS, R. M. & J.J.	648 Randy, Newberry Park, CA 91320
KILNOSKI, Walter	101 Zenith Drive, Apt. 1, Council Bluffs, IA 51501
KINNEY, Emma Louella	2085 Regent Street, Reno, NV 89509
KIRSCH BROS.	Rt. 2, Box 747, Klamath Falls, OR 97601
KLAMATH COUNTY	Klamath County Courthouse, Klamath Falls, OR 97601
KLAMATH COUNTY; TAYLOR, J.R.	857 S. "H" Street, Lakeview, OR 97630
KLAMATH LAND & TIMBER CO.	5th Floor, 8730 Wilshire Blvd., Beverly Hills, CA 90211
KLAMATH LUMBER COMPANY	Box 127, Klamath Falls, OR 97601
KLAMATH REC. ASSOCIATION	P.O. Box 56, Bonanza, OR 97623
KNOX, H.G. & Barbara A.	Rt. 1, Box 148, Bonanza, OR 97623
KNUDSON, L. W. & Betty Jane	2030 South 6th Street, Klamath Falls, OR 97601
KUJAC, Karl & Ruby	Paygr Road, Malin, OR 97632
KUMPE, Carlos c/o Florence M. Kumpe	1401 Valley View Road #225, Glendale, CA 91202
KUMPE, Florence M.	1401 Valley View Road #225, Glendale, CA 91202
KUSLER, A.G. & Leona P.	Rt. 1, Box 660, Klamath Falls, OR 97601

-L-

LADEVEZE, Norman; JAY J.W. & Alene R.
LANDIS, C.L.
LANGER, P.A. & Iva May
LARRICK, D.E. & Judy I.
LATOURETTE, Francis; LAW, I.S. & D. B., Trustee
LAUGHLIN, Robert L.; FRYE, Stuart S.

LAVERNE, W.R. Sr. & Villa M.

LEDBETTER, Dixie
LENTZ, R. B. & Annabelle
LEQUIEU, L. & Laverna; LEQUIEU, J. A. & Winonah
c/o E.J. Jr. & D. Stastny
LISKEY, Maude E.
LOGUE, L. & Leona c/o Dixie Ledbetter
LOMKIN, J. & Blanche E.; O'CONNOR, J.A. & D.M.
LONG, A.K. & Elizabeth T.

LOPER, B.R. & Margaret J.
LORENZ, Glenn J.
LOUSIGNONT, Gordon & Carol A.

LOVENESS LUMBER OFFICE
LOVENESS, Loyal H. & Vinton H.

LOVENESS, R.H. & L.
LOVENESS, Vinton H. & Fern L.

LOWELL N. JONES CO.
LUCIANI, L. A. & Dorothy M.
LYON, L.M. & Maradean
LYON, Marie M.
LYON, R. & Marie
LYON, R. R. & Marie M.

Rt. 1, Box 239, Bonanza, OR 97623
Box 332, Macksville, KS 67557
Box 393, Dorris, CA 96023
Rt. 1, Box 249, Bonanza, OR 97623
121 Chestnut St., Vacaville, CA 95688
P.O. Drawer 1, Rancho Santa Fe, CA
92067
5407 Harlan Drive, Klamath Falls, OR
97601
P.O. Box 1212, Houston, TX 77001
Rt. 1, Box 109, Bonanza, OR 97623
Star Route, Box 24, Malin, OR 97632

1041 Eldorado, Klamath Falls, OR 97601
P.O. Box 1212, Houston, TX 77001
Rt. 1, Box 28A, Bonanza, OR 97623
6112 Steeple Chase Lane, Salt Lake
City, UT 84121
410 NW 14th, Corvallis, OR 97330
P.O. Box 4225, Redding, CA 96001
9990 Dehlinger Lane, Klamath Falls, OR
97601
Malin, OR 97632
531 El Arroyo Rd., Hillsborough, CA
94010
Star Route, Box 14, Malin, OR 97632
531 El Arroyo Rd., Hillsborough, CA
94010
P.O. Box 1866, Klamath Falls, OR 97601
Rt. 1, Box 749, Bonanza, OR 97623
Box 412, Malin, OR 97632
Star Route, Box 112B, Malin, OR 97632
Merrill, OR 97633
Star Route, Box 112B, Malin, OR 97632

-M-

MX LAND & LIVESTOCK CORP.
MALIN IRRIGATION DISTRICT c/o Mark Evans, Secy.
MANGUS, Freeman & Janet
MARSHALL, J.A. & Olive H.

MARSHALL, John A.

MARSHALL, W.F. & Ruth E.

MARSHALL, William F.

MASTEN, S.C. & Patricia A.
MASTEN, Stanley C. Jr.; DEJONG, Tom

MATHES, J.W. & Patsey M.

MEADOW LAKE INC.
MEADOW LAKE DEV. CORP. & LAKE AND STREAM
DEV. CORP.
MEEHLEIS, Theodore T.

MEYERS, Mary Helen

MICKA, D. A. & Phyllis M.
MILHORN, C.E. & Marcella; FASSLER, Dennis H.
MILLARD, D.E. & Sylvia G.
MILLER, C.H. & Shelba D.
MINER, Donald A.; MINER, Aileen H.; MINER,
Mrs. Elliott S.; MINER, John Elliott; MINER,
Neil William
MINTON, E.F. & Alice
MONROE, A. F. & Vada L.

MONROE, M. & Barbara
MORENO, R. A. & Margaret G.
MORRISON, B.D. & Martha D.
MORRISON, B.D. & Martha D.; GUBLER, M.L. &
Noma J.
MORRISON, B.D., & Martha D.; HORN, E.M. &
Europe c/o S.C. & Cleo Evans

P.O. Box 213, Montrose, CA 91020
Malin, OR 97632
Rt. 1, Box 420, Beaverton, OR 97005
Rt. 2, Box 808, Klamath Falls, OR
97601
Rt. 2, Box 808, Klamath Falls, OR
97601
Rt. 2, Box 809, Klamath Falls, OR
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Rt. 2, Box 809, Klamath Falls, OR
97601
P.O. Box 156, Bonanza, OR 97623
Rt. 2, Box 799, Klamath Falls, OR
97601
Rt. 2, Box 754, Klamath Falls, OR
97601
P.O. Box 477, Klamath Falls, OR 97601
1801 Century Park West, Los Angeles,
CA 90067
Forest Garden Mobile Home Court, 63
Moss Creek Road, El Toro, CA 92630
10595 Hill Road, Klamath Falls, OR
97601
Star Route, Box 107, Malin, OR 97632
2219 Garden, Klamath Falls, OR 97601
P.O. Box 82, Brightwood, OR 97011
Rt. 1, Box 762A, Bonanza, OR 97623
6553 Fall River Drive, San Jose, CA
95120

P.O. Box 62, Dairy, OR 97625
9321 Hill Road, Klamath Falls, OR
97601
Rt. 1, Box 135, Bonanza, OR 97623
P.O. Box 603, Colusa, CA 95932
Box 3178 Fairview, Coquille, OR 97423
Rt. 1, Box 792, Bonanza, OR 97623

1749 Shirley Drive, Pleasant Hill, CA
94523

MORRISON, B.D. & Martha D.; HUNGRY HOLLOW YTH. RANCH Box 3178 Fairview, Coquille, OR 97423
MORRISON, B.D. & Martha D.; SANOK J.J. & Barbara A. Rt. 1, Box 752, Bonanza, OR 97623
MURPHY, D. T. & Katherine 426 N. 4th Street, Klamath Falls, OR 97601
MACBETH, Richard M. P.O. Box 1974, Klamath Falls, OR 97601
MCATEE, Evelyn F. 2237 Lakeshore Drive, Klamath Falls, OR 97601
MCAULIFFE, John D. Star Route, Box 35, Malin, OR 97632
MCAULIFFE, John D.; LYON, R. R. & Marie M. Star Route Box 112B, Malin, OR 97632
MCCANCE, H.E. & Lela R.; RICHARDS, J.T. & Eva R.; c/o RAJNUS, Wm. J. Jr. Malin, OR 97632
MCCARTIE, Florence M.; MASTEN, S.C. & P.A.; BERGSTROM, L.D. & P.A. Rt. 2, Box 799, Klamath Falls, OR 97601
MCCOLLUM, Melvin W. P.O. Box 1570, Klamath Falls, OR 97601
MCCONRON, Luella Ruby Rt. 3, Box 335A, Klamath Falls, OR 97601
MCCULLEY, C.E. & C.J.; MCCULLEY, J.P. & June P.O. Box 87, Malin, OR 97632
MCDONALD, Jacqueline J.; NIXON, Bessie M. Rt. 1, Box 746, Bonanza, OR 97623
MCFARLAND, John C. & C.J. Rt. 1, Box 748F, Bonanza, OR 97623
MCKOEN, C.W. & Bertha M. Star Route, Box 119, Malin, OR 97632

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NELSON, A. & Faith Star Route, Dairy, OR 97625
NELSON, Charles A. & Marjorie L.; NELSON, Charles A. Jr. & Eleanor Rt. 1, Box 134, Bonanza, OR 97623
NELSON, Charles A. Jr. & Eleanor Rt. 1, Box 134, Bonanza, OR 97623
NEVIN CATTLE COMPANY Star Route, Dairy, OR 97625
NICASSIO, P. & Joanne L. 4607 Monogram Ave., Lakewood, CA 90713
NICHOLS, P.L. & Mildred F. 10439 176th St. SW, Rochester, WA 98579
NICHOLSON, Lloyd Fort Klamath, OR 97626
NICHOLSON, Maxine L. 811 S. Lafayette, Macomb, IL 61455

-O-

OC & E RR Washburn Way, Klamath Falls, OR 97601
O'BRIEN, M.J. & Theresa M. 1051 S. Lucerne Blvd., Los Angeles, CA 90019
O'CONNOR LIVESTOCK COMPANY 4500 O'Connor Road, Klamath Falls, OR 97601
O'NEIL, J.F. Jr. & Maxine P.O. Box 264, Merrill, OR 97633
O'NEILL, J.C. & Marlys A. 1404 Eldorado, Klamath Falls, OR 97601
O'NEILL, J.K. & Peggy A. 6309 Harlan Drive, Klamath Falls, OR 97601
O'NEILL, Peggy A. Trust 6309 Harlan Drive, Klamath Falls, OR 97601
OCHS, C.P. & Annelotte Star Route, Merrill, OR 97633
OWENS, Dick & Lenora 6803 Shasta Way, Klamath Falls, OR 97601
OWENS, J. B. & E. Marie 1929 Terrace, Klamath Falls, OR 97601

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PACIFIC GAS TRANSMISSION CO. 245 Market Street, San Francisco, CA 94105
PACIFIC LAND & LIVESTOCK CO. INC. Box 606, Vale, OR 97918
PADDEN, Joanne; BARRATT, G.C. & D.H. P.O. Box 889, Oroville, CA 95965
PAGE, D.G. & Yvonne F. 3831 Kelley Drive, Klamath Falls, OR 97601
PARRISH, C.B. & Edith M. Dairy, OR 97625
PARSONS, R.G. & Winifred Rt. 1, Box 49, Bonanza, OR 97623
PATRICK, Alvi J. & Bonnie J. 25683 Perkins Road, Veneta, OR 97487
PATTERSON, David M. P.O. Box 14, Dairy, OR 97625
PATTON, R.E. & Ruth Ann 13379 Crystal Springs Road, Klamath Falls, OR 97601
PAYGR, F. Jr. & Lydia A. Star Route Box 115, Malin, OR 97632
PAYGR, R. & Mary Jane Star Route, Box 112, Malin, OR 97632
PEDRO, Vince & Nancy Rt. 1, Box 793, Bonanza, OR 97623
PETERSON, Frances K.; RAJNUS, Dan C. & Marla A.; KENT, Robert; KENT, Diane; CHILDERS, Dale; RAJNUS, Carl A. Star Route, Box 80A, Malin, OR 97632
PETERSON, J.W. & Etta L. 607 Upham St., Klamath Falls, OR 97601
PETRASEK, E. & Norma M. Star Route, Malin, OR 97632
PETRIK, Vlasta M. Star Route, Merrill, OR 97633
PICKETT, Ben H.; PETRASEK, Edwin Star Route, Malin, OR 97632
PIERPONT, Almeda 7101 SE Gladstone, Portland, OR 97206

PIERPONT, J.R.	4400 NE Broadway, Apt. 215, Portland, OR 97213
PINE TREE LAND DEV. CO. & TREE LAKE DEV. CO.	1801 Century Park West, Los Angeles, CA 90067
PINEAU, John & Joan	15725 McElroy Road, Meadow Vista, CA 95722
PLUMB, Donald Frederick	23501 S. Beatie Road, Oregon City, OR 97045
POOL, Lee; RHEA, R.R. & Patricia G.	Team D 52nd USAAD, APO New York, NY 09169
POPE RANCHES INC.	Merrill, OR 97633
POPE, J. Randall; POPE, Virginia Lee	Star Route, Merrill, OR 97633
POPE, Lynn R.	Star Route Box 28, Merrill, OR 97633
POPPEN, K.J.; ZERBINI, Alfonso	P.O. Box 3008, Chico, CA 95926
PRESCOTT, Alan J.	Star Route Box 72, Malin, OR 97632
PRESCOTT, S.W. & Beverly G.	Star Route, Box 63, Malin, OR 97632
PULLINS, R. & Barbara	Rt. 1, Box 495D, Bonanza, OR 97623

-R-

RH & L LOVENESS LUMBER COMPANY	Star Route, Box 14, Malin, OR 97632
RAFTER NINE CATTLE CO.	P.O. Box 1810, Klamath Falls, OR 97601
RAJNUS BROS.	Star Route Box 68, Malin, OR 97632
RAJNUS, C. & Virginia	Rt. 2, Box 784, Klamath Falls, OR 97601
RAJNUS, J.V. & Helen M.	Box 437, Malin, OR 97632
RAJNUS, Steve	Rt. 2, Box 784, Klamath Falls, OR 97601
RAJNUS, William J. Jr.	Rt. 2, Box 783, Klamath Falls, OR 97601
RALSTON, C.M. & Ruby E.	12150 Hill Road, Klamath Falls, OR 97601
RAMSEY, Eugene Lloyd; DEAN, Donal H.	Box 115, Merrill, OR 97633
RANDALL, G. & Nancy	Rt. 1, Box 63A, Bonanza, OR 97623
RAY, J. H. & Merry K.	Rt. 1, Box 37, Bonanza, OR 97623
REALTY INVESTMENT CORP.; PHIFER G.D. & Sally M.	Rt. 1, Box 122, Bonanza, OR 97623
REED, Floyd & Zelma	Route 6, Lakeview, OR 97630
RETTERRATH, M. & Mildred	P.O. Box 244, Merrill, OR 97633
REULAND ELECTRIC CO.	17969 E. Railroad, Industry, CA 91744
RHOADES, Sandra R.	2140 Patterson, Klamath Falls, OR 97601
RICE, D. W. & L. Elizabeth	P.O. Box 27, Dairy, OR 97625
RICE, Merwyn W. & Mary J.; CHAPMAN, J.L., Trustees	Rt. 2, Box 805, Klamath Falls, OR 97601
RITTER RANCH INC.	Rt. 1, Box 346, Bonanza, OR 97623
RITTER, W.N. & Margorie K.	Rt. 1, Box 346, Bonanza, OR 97623
RITTER, Walter N.; RITTER, Erwin R.; GROHS, Martha Clara	Rt. 1, Box 346, Bonanza, OR 97623
ROBERTS, Chastine B.	148 East Main Street, Klamath Falls, OR 97601
ROBERTSON, Elizabeth E.	Rt. 1, Box 207, Bonanza, OR 97623
ROBINETTE, W. & Juliette	2704 Pine Grove Road, Klamath Falls, OR 97601
ROBINSON, F.B. & Freda; Willamette View Manor	12705 SE River Road #502D, Portland, OR 97222
ROBUSTELLI, John Jr. & Barbara	Rt. 1, Box 86, Bonanza, OR 97623
RODGERS, James L. & Mary	6449 Redding St., Klamath Falls, OR 97601
ROGERS, C.J. & Betty M.	Dairy, OR 97625
ROGERS, Gerald Roy	3200 South 7th Lot 101, Ft. Pierce, FL 33450
ROJAS, Sam-Senteno-Ray	P.O. Box 1162, San Marcos, CA 92069
ROMTVEDT, H.F.	339 S. Lewis Street, Monroe, WA 98272
ROOKHUYZEN, L.R. & Nancy R.	Rt. 1, Box 666A, Klamath Falls, OR 97601

-S-

SEC COMPANY INC.	1801 Century Park West, Los Angeles, CA 90067
SAGEHORN, Leo	Box 186, Ft. Bidwell, CA 96112
SAGEHORN, Leo & Marie	Box 186, Ft. Bidwell, CA 96112
SAMSEL, F.E. & Roberta E.	6245 Bryant, Klamath Falls, OR 97601
SANDERS, Elizabeth	1717 SW Park Ave. #324, Portland, OR 97201
SANOK, J.J. & Barbara A.	Rt. 1, Box 752, Bonanza, OR 97623
SARUTZKI, D.B. & Agnes	5115 Cross Road, Klamath Falls, OR 97601

SAULSBERRY, John M. 126 Purdue Avenue, Berkeley, CA 94708
 SAYLER, Charles G. 5589 Homedale, Klamath Falls, OR 97601
 SCHAEFLE, R. G. & Nancy J.; TEAGUE, E.J. & A.J. Rt. 1, Box 34, Bonanza, OR 97623
 SCHISLER, R.J. & Bonnie M. Rt. 2, Box 787, Klamath Falls, OR 97601
 SCHLATER, William E; BABEL, Donald J. 2607 Shawn Lane, Fullerton, CA 92631
 SCHLECHT, H.R. & Della Rt. 1, Box 661, Klamath Falls, OR 97601
 SCHMIDLI, W.E. & Betty L. Star Route Box 27, Malin, OR 97632
 SCHMIDT, Mary L., Life Estate c/o Elso Dejong Rt. 1, Box 202, Bonanza, OR 97632
 SCHMOE, KILGORE & KILGORE Rt. 1, Box 111C, Bonanza, OR 97623
 SCHMOE, KILGORE & KILGORE; VOSS, B.R. & Naomi F. Rt. 1, Box 111, Bonanza, OR 97623
 SCHMOE, Thelma A.; YONNA VALLEY RANCH Rt. 1, Box 259E, Dairy, OR 97625
 SCHOLES, Richard B. 5030 South 6th Street, Klamath Falls, OR 97601
 SCHOOLER, Noni; SCHOOLER, Michael L. c/o S.M. & N. Petersen Rt. 1, Box 801C, Bonanza, OR 97623
 SCHREINER, L. B. & Agnes E. Star Route, Box 30, Malin, OR 97632
 SCHREINER, Virginia H.; SCHREINER, Donald E. Rt. 1, Box 325, Bonanza, OR 97623
 SCHROEDER, Orville R. & Jewell V. Rt. 1, Box 83, Bonanza, OR 97623
 SCHROEDER, R. T. & Carolyn Rt. 2, Box 790A8, Klamath Falls, OR 97601
 SCRONCE, Lois Lea Box 165, Merrill, OR 97633
 SEATER, Evelyn Ann C. 6646 Shasta Way, Klamath Falls, OR 97601
 SERGI, J. & Semone Rt. 1, Box 309, Bonanza, OR 97623
 SETTLE, Delbert W. & Janice L. Rt. 1, Box 78-19, Bonanza, OR 97623
 SETTLE, E. W. & Linda L. 6323 Dennis Drive, Klamath Falls, OR 97601
 SETTLE, M.D. Rt. 1, Box 78B, Bonanza, OR 97623
 SETTLE, M.D. & Daphne Rt. 1, Box 44, Bonanza, OR 97623
 SEWALD, C.H.; STICKLEN, P.E. & Mary Rt. 1, Box 289, Bonanza, OR 97623
 SEWALD, Clifford H. Rt. 1, Box 292, Bonanza, OR 97623
 SHANKLIN, David 1238 Buck Island Drive, Klamath Falls, OR 97601
 SHASTA VIEW IRRIGATION DISTRICT Micka Road, Malin, OR 97632
 SHEPHERD, T.G. & Nadine P.O. Box 16, Dairy, OR 97625
 SHORT, C. B. & Doris Box 2, Dairy, OR 97625
 SHUCK, C.V. & Joanne M. Box 204, Merrill, OR 97633
 SIMMONS, C.W. c/o E. E. Hughes RFD 1, Walshville, IL 62091
 SIMMONS, Steven W. P.O. Box 147, Beatty, OR 97621
 SMALLCOMB, Clare T. 5235 Vista Lejana Lane, La Canada, CA 91011
 SMITH, C.L. & Verna I. Rt. 1, Box 78, Bonanza, OR 97623
 SMITH, C.R. & Sandra E. Rt. 1, Box 747, Bonanza, OR 97623
 SMITH, Craig W. & Deborah R. Rt. 1, Box 130, Bonanza, OR 97623
 SMITH, L.Z. & M.C. Rt. 1, Box 247, Bonanza, OR 97623
 SMITH, R. A. & Geneva A. Rt. 1, Box 66, Bonanza, OR 97623
 SMITH, Richard A. Rt. 1, Box 43, Bonanza, OR 97623
 SMITH, Walter Jr. Rt. 1, Box 57, Bonanza, OR 97623
 SMITH, Walter Jr. & Dorothy E. Rt. 1, Box 33A, Bonanza, OR 97623
 SMITH, Walter Jr. & Dorothy May Rt. 1, Box 33A, Bonanza, OR 97623
 SNYDER, W. S. & Dorothy L. Star Route, Dairy, OR 97625
 SOUTHERLAND, J.E. & Rose A. Rt. 1, Box 28-1A, Bonanza, OR 97623
 SPARKS, Mary; WILLIAMS, G. B. & K. M. Rt. 1, Box 835, Bonanza, OR 97623
 SPEULDA, H. & Anna L.; PFAFF, H.E. & Jessie P. Rt. 1, Box 69F, Bonanza, OR 97623
 SPIELMAN, R. A. & Eugenia W. 1500 Pacific Terrace, Klamath Falls, OR 97601
 STAMP, L.H. & Eleanor E. 33538 Avenue F, Yucaipa, CA 92399
 STASTNY, E.J. Sr. & Mariam; STASTNY, E.J. Jr. & D.F. Star Route 24, Malin, OR 97632
 STASTNY, E.J. Jr. & Diane F.; DUNCAN, K.H. & Evelyn Star Route 24, Malin, OR 9732
 STASTNY, E. J. Jr. & Diane F. Star Route 24, Malin, OR 97632
 STATE OF OREGON, DEPARTMENT OF FORESTRY 2600 State Street, Salem, OR 97310
 STATE OF OREGON, DIVISION OF STATE LANDS 1445 State Street, Salem, OR 97310
 STILES ENTERPRISES INC.; CIRCLE FIVE RANCH INC. Bonanza, OR 97623
 STRAUS, L.R. & Carleen Rt. 1, Box 667C, Klamath Falls, OR 97601
 STREET, Charles F. Star Route, Box 28, Malin, OR 97632
 SULLIVAN, Larry J; SULLIVAN, Daniel 4131 SW Chesapeake, Portland, OR 97201
 SULLIVAN, Robert E. & M.J.; CAWTHORN, E.A. & R.M. 507 S. Euclid Sp. 134, Santa Ann, CA 92704
 SULZ, Albert 6646 Corson Ave. S., Seattle, WA 98108
 SUNDERLAND, R. C. Jr. & June 3730 Calle Real, Santa Barbara, CA 93105
 SUTY, Anton M. Jr. Star Route Box 53, Merrill, OR 97633

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TAYLOR, E. H. & Eve May	Rt. 1, Box 239, Tulelake, CA 96134
TAYLOR, J.C. & R.F., Heirs	Rt. 2, Box 742, Klamath Falls, OR 97601
TAYLOR, J.D. & Carolyn A.; DANIELS, Jean	Rt. 1, Box 754, Bonanza, OR 97623
TAYLOR, J.R.	857 South H Street, Lakeview, OR 97630
TAYLOR, Joe C., Heirs of	Rt. 2, Box 742, Klamath Falls, OR 97601
TAYLOR, Josephine	857 South H Street, Lakeview, OR 97630
TAYLOR, V. R. & Eva May	P.O. Box 42, Malin, OR 97632
TEAGUE, E.J. & Alberta J.	Rt. 1, Box 34, Bonanza, OR 97632
THOMPSON, Paul; THOMPSON, David; SHOEMAKER, T.O. & Sallie	14158 Joanbridge, Baldwin Park, CA 91706
TILLEY, Revis D.	General Delivery, Anchor Point, AK 99556
TITUS, J.R. & Fredia J.	3950 Rio Vista Way, Klamath Falls, OR 97601
TOFELL, B.W. & Barbara K.	Rt. 1, Box 292, Bonanza, OR 97623
TOFELL, J.E. & Sharon M.	4259 Arthur, Klamath Falls, OR 97601
TOFELL, L.R. & Lynn M.	Rt. 1, Box 248, Bonanza, OR 97623
TOFELL, Louis	Rt. 1, Box 762, Bonanza, OR 97623
TOFELL, Neil E.	Rt. 1, Box 245, Bonanza, OR 97623
TRACY, R.P. & Iris L.; NEWELL, M.L. & Beverly	Rt. 1, Box 260B, Gardnerville, NV 89410
TURNER, K.D. & Florence L.; HORSLEY, D.J. & Helen E.	P.O. Box 8, Bonanza, OR 97623

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US DEPARTMENT OF AGRICULTURE, FREMONT NATIONAL FOREST	34 "D" St., P.O. Box 551, Lakeview, OR 97630
US DEPARTMENT OF AGRICULTURE, FOREST SERVICE	Regional Office, 319 SW Pine Street, P.O. Box 3623, Portland, OR 97208
US DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT	1000 9th Street South, P.O. Box 151, Lakeview, OR 97630
US DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT	Oregon State Office, 729 NE Oregon Ave., P.O. Box 2965, Portland, OR 97208
US DEPARTMENT OF INTERIOR, REGIONAL SOLICITOR	Lloyd Five Hundred Bldg., Suite 607, 500 NE Multnomah, Portland, OR 97232
US DEPARTMENT OF INTERIOR, WATER & POWER RESOURCES SERVICES	Klamath Project Office, Washburn Way, Klamath Falls, OR 97601
US DEPARTMENT OF INTERIOR, WATER & POWER RESOURCES SERVICES	Regional Office, 2800 Cottage Way, Sacramento, CA 95825
US DEPARTMENT OF INTERIOR, REGIONAL SOLICITOR	Room E, 2753-2800 Cottage Way, Sacramento, CA 95825
US DEPARTMENT OF JUSTICE, US ATTORNEY	US Courthouse, 620 SW Main, P.O. Box 71, Portland, OR 97205
US DEPARTMENT OF JUSTICE, US ATTORNEY GENERAL	Department of Justice, Washington DC 20000
ULLYOT, Arthur F. & Neva	40656 Stayton Scio Road, Scio, OR 97374
UNRUH, Clark & Anita	Star Route Box 86, Malin, OR 97632
URBACH FARMS INC.	P.O. Box 12, Dairy, OR 97625

-V-

VALIANT DEVELOPMENT CORP. & OUTDOOR LAND DEVELOPMENT CORP.	1801 Century Park West, Los Angeles, CA 90067
VAN METER, Sue; DUBOIS, Louise	3940 Shasta Way, Klamath Falls, OR 97601
VENABLE, T.M. & Patricia A.; BIAGGI, C.W. & Peggy J.	Dairy, OR 97625
VIEIRA, Lucille E. & J.M.	Box 28, Dairy, OR 97625

-W-

W-3 LIVESTOCK COMPANY	Rt. 1, Box 834, Bonanza, OR 97623
WALKER, R.V. & Elizabeth R.	Rt. 1, Box 324, Bonanza, OR 97623
WALKER, R. V. & Marcheta L.; TOFELL, J. & Erma K.	Rt. 1, Box 245, Bonanza, OR 97623
WARD, K.E. & Mary E.	Route 2, Box 756 R, Klamath Falls, OR 97601
WATERS, Opal C.	2338 Hope Street, Klamath Falls, OR 97601
WATTS, Owen R.	Bly, OR 97622
WEAST, W. & Beverly	13589 Crystal Springs Road, Klamath Falls, OR 97601

CAMPBELL, I.E.; CAMPBELL, Carrie K.; CAMPBELL, Edward Lee; CAMPBELL, Maureen Gay	Unclaimed
CARTER, Russell Dean	Unclaimed
CURTIS, Emmett	Unclaimed
DAMUTH, R.D. & Juanita M.	Forward expired
DAVIS, H.R. & Mary Ann	Unclaimed
DEHLINGER, G. & Dorothy	Unclaimed
DEHLINGER, Glen	Unclaimed
DEHLINGER, Harold & Sons; DEHLINGER, Glenn	No such number
DEHLINGER, Monte; PEASE, W.H. & Barbara M.	No such number
EDWARDS, Greg A.	Unclaimed
EVANS, Arthur E.	Unclaimed
FAIRCLO, David P. & Richard S.; FAIRCLO, Susan E.	Unclaimed
FAIRCLO, Paul H.; FAIRCLO, Ann S.	Unclaimed
FLESHER, W.S. & Ann HOOK; I F RODGERS & SONS	Moved, left no address
FLESHER, W.S. & Ann HOOK; RODGERS, Ronald R.; RODGERS, Russell R.; RODGERS, Radley R.	Moved, left no address
GARREN, Arthur A.; JAGER, M.B. & Margaret	Moved, not forwardable
GILBERT, Gulcin	Undeliverable as addressed
GOOSE LAKE TIMBER CO.	Undeliverable as addressed
GREAT NORTHERN R R CO.	Undeliverable as addressed
GRIMES, Hetta Maurine	Unclaimed
GRIMES, June F.	Deceased
HAWKINS, Richard H. & Nora	Unclaimed
HEIM, M. & Lou Ann	Forward expired
HENDRICKSON, D. C. & M.I.; HEIM, M. & Lou Ann	Forward expired
HOWARD, Roy; COOPER, H.R. & Peggy J.	Unclaimed
HUNTER, M.W. & Shirley M.; SANTIAM FORD, INC.	Unknown
JONES, Marvin W. & Golda J.; RODGERS, J.L. & Mary	Forward expired
JOY, Ed	Addressee unknown
KEEFER, A.G. & Christina M.	Forward expired
KESTER, G. B. & Ruby P.	Unclaimed
MX LAND & LIVESTOCK CORP.	Undeliverable as addressed
MASTEN, Stanley C., Jr.; DE JONG, Tom	Unclaimed
MICKA, D. A. & Phyllis M.	Unclaimed
MILLARD, D. E. & Sylvia G.	Addressee unknown
McATEE, Evelyn F.	Moved, left no address
McCARTIE, Florence M.; MASTEN, S.C. & P.A.; BERGSTROM, L.D. & P.A.	Unclaimed
PADDEN, Joanne; BARRATT, G.C. & D.H.	Addressee unknown
PAGE, D.G. & Yvonne F.	Forward expired
PIERPONT, Almeda	Unknown
PLUMB, Donald Frederick	Unknown
RAJNUS, C. & Virginia	Unclaimed
RAJNUS, Steve	Unclaimed
RICE, Merwyn W. & Mary J.; CHAPMAN, J.L. Trustees	Unclaimed
SAMSEL, F.E. & Roberta E.	Unclaimed
SEWALD, Clifford H.	Moved, not forwardable
SHANKLIN, David	Moved, left no address
SULLIVAN, Larry J.; SULLIVAN, Daniel	Undeliverable as addressed
TAYLOR, E.H. & Eve May	Moved, unable to forward
THOMPSON, Paul; THOMPSON, David	Addressee unknown
WEBBER, Leland & Joan	Unclaimed
WILEY, Wilma	Unclaimed
WILLARD, P.J. & Mary Lou; KENDALL, William R.	Unclaimed
WILLOW VALLEY IRRIGATION DISTRICT	Moved, left no address

(7)

The following named persons, firms, or corporations were duly notified of the proceeding by certified mail on November 13, 1980, as set forth in Paragraph 4 above:

BELT, Harold C.	10553 Roundtree Road, Los Angeles, CA 90064
BENNETT, M. & Teresita	11196 Calle Dario, San Diego, CA 92126

COONEY, K.S. & Maria	P.O. Box 1417, Klamath Falls, OR 97601
CUMMOCK, Harry	5063 Topanga Blvd., Woodland Hills, CA 91364
GALVEY, Javier	928 S. Greenwood, Ontario, CA 91761
JAHN, Robert W.	18021 E. Collins, Villa Park, CA 92667
JELD-WEN INC.	3303 Lakeport Blvd., Klamath Falls, OR 97601
JOHNSON, Roger & Sylvia	P.O. Box 121, Winnemucca, NV 89445
KINNEY, Emma Louella	2085 Regent Street, Reno, NV 89509
LANDIS, C.L.	Box 332, Macksville, KS 67557
LOWELL N. JONES CO.	P.O. Box 1866, Klamath Falls, OR 97601
MINER, Donald A.; MINER, Aileen H.; MINER, Mrs. Elliott S.; MINER, John Elliott; MINER, Neil William	6553 Fall River Drive, San Jose, CA 95120
MCCOLLUM, Melvin W.	P.O. Box 1570, Klamath Falls, OR 97601
PATRICK, Alvi J. & Bonnie J.	25683 Perkins Rd., Veneta, OR 97487
REULAND ELECTRIC CO.	17969 E. Railroad, Industry, CA 91744
ROJAS, Sam-Senteno-Ray	P.O. Box 1162, San Marcos, CA 92069
SEATER, Evelyn Ann C.	6646 Shasta Way, Klamath Falls, OR 97601
WILSON, E.V. & Mildred M.	4400 Hwy. 66, Ashland, OR 97520
WING, Allen	P.O. Box 624, Red Bluff, CA 96080
WING, Jack; WING, Henry	4919 Farber Ave., Covina, CA 91724
WIRTH, Bruce R.; WIRTH, Maxine L.	P.O. Box 477, Klamath Falls, OR 97601

(8)

All of the remailed certified notices, addressed as tabulated above, were delivered to the addressees by the Post Office Department except those hereinafter tabulated, which were returned by the Post Office Department bearing notation as to the reason for nondelivery as shown by the statement following the name:

PATRICK, Alvi J. & Bonnie J.	Unclaimed
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(9)

The following named persons, firms, or corporations were duly notified of the proceeding by certified mail on November 18, 1980, as set forth in Paragraph 4 above:

BALIN, Harold E.	13131 Homedale Road, Klamath Falls, OR 97601
BURK, M.G. & Winifred; MASTEN, S.C. & P.A.	P.O. Box 176, Bonanza, OR 97623
CARNER, A.C. & Clyde B., HAT C HEREFORD RANCH	Harpold Road, Bonanza, OR 97623
DAMUTH, R.D. & Juanita M., c/o Lyman Mason	Rt. 1, Box 771C, Bonanza, OR 97623
DEHLINGER, Harold & Sons; DEHLINGER, Glenn c/o Glenn Dehlinger	11390 Hill Road, Klamath Falls, OR 97601
DEHLINGER, Monte; PEASE, W.H. & Barbara c/o Monte Dehlinger	11417 Hill Road, Klamath Falls, OR 97601
FLESHER, W.S. & Ann Hook, I F RODGERS & SONS	Rt. 2, Box 772-B, Klamath Falls, OR 97601
FLESHER, W.S. & Ann Hook; RODGERS, Ronald R., RODGERS, Russell R.; RODGERS, Radley R.	Rt. 2, Box 772-B, Klamath Falls, OR 97601
GILBERT, Gulcin, c/o DeBaun, James R., Trustee	BC 1-10, Big Bear Lake, CA 92315
GOOSE LAKE TIMBER COMPANY	6000 Harvard Ave., Cleveland, OH 44105
GREAT NORTHERN RR CO., BURLINGTON NORTHERN INC. c/o Don Bodner	208 Central Building, Seattle, WA 98104
HEIM, M. & Lou Ann	Rt. 1, Box 661A, Klamath Falls, OR 97601
HAMMERICH, W.E. & Barbara	Rt. 1, Box 119, Bonanza, OR 97623
HENDRICKSON, D.C. & M.I.; HEIM, M. & Lou Ann	Rt. 1, Box 663, Klamath Falls, OR 97601
HUNTER, M.W. & Shirley M., SANTIAM FORD INC.	2605 Vermont St., Klamath Falls, OR 97601
JONES, Marvin W. & Golda J.; RODGERS, J.L. & Mary	Star Route 1, Box 668, Merrill, OR 97633
JOY, Ed c/o James Alyward	Jackson County Courthouse, Kansas City, MO 64100
KEEFER, A.G. & Christina M.	Rt. 1, Box 667D, Klamath Falls, OR 97601
MCATEE, Evelyn F. c/o W.E. & Barbara Hammerich	Rt. 1, Box 119, Bonanza, OR 97623

MCCARTIE, Florence M.; MASTEN, S.C. & P.A.; BERGSTROM, L.D. & P.A.	Box 65, Bonanza, OR 97623
MICKA, D.A. & Phyllis MX LAND & LIVESTOCK CORP.	Star Route Box 167A, Malin, OR 97632 6516 Valhalla, Klamath Falls, OR 97601
PADDEN, Joanne; BARRATT, G.C. & D.H.	466 Spenard Road, Anchorage, AK 99503
PIERPONT, Almeda c/o J.R. Pierpont	4400 NE Broadway, Apt. 215, Portland, OR 97213
RAJNUS, C. & Virginia	Star Route , Box 68, Malin, OR 97632
SEWALD, Clifford H.	Rt. 2, Box 249H, Orland, CA 95963
SULLIVAN, Larry J.; SULLIVAN, Daniel	4231 Bisbee, Klamath Falls, OR 97601
TAYLOR, E.H. & Eve May	P.O. Box 42, Malin, OR 97632
THOMPSON, Paul; THOMPSON, David; SHOEMAKER, T.O. & Sallie	5072 Tasman Drive, Huntington Beach, CA 92649
WILEY, Wilma c/o Dr. George Boyston	9905 SW Imperial Drive, Portland, OR 97225
WILLOW VALLEY IRRIGATION DISTRICT	Lorella, OR 97623

(10)

All of the remailed certified notices, addressed as tabulated above, were delivered to the addressees by the Post Office Department except those hereinafter tabulated, which were returned by the Post Office Department bearing notation as to the reason for nondelivery as shown by the statement following the name:

JONES, Marvin W. & Golda J.; RODGERS, J.L. & Mary	Addressee unknown
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(11)

The following named persons, firms, or corporations were duly notified of the proceeding by certified mail on December 2, 1980, as set forth in Paragraph 4 above:

GILBERT, Gulcin	1600 Queens Road, Los Angeles, CA 90069
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(12)

Duly qualified assistants to the Director made examinations, surveys, and measurements of Lost River and its tributaries, and of the works diverting water therefrom, and surveys of the lands irrigated, and gathered such other data and information as were essential to the proper supplemental determination of the relative rights of the parties. The observations and measurements were reduced to writing and made a matter of record in his office. The Director had a set of maps prepared showing with substantial accuracy the location of all streams in the drainage basin, the location of each means of conveyance of appropriated water and the points of diversion thereof, and the number of acres of land being irrigated in each legal subdivision, or other use of water. Prints of these maps are on file and a part of the record herein.

(13)

As soon as practicable after the examinations and measurements were completed as described in the preceding finding, the Director prepared a notice setting forth a place and time certain when he would begin the taking of statements of proofs of claim as to the relative rights of the various claimants to the use of the waters of Lost River and

last publication being at least thirty days prior to the first date set for the taking of statements and proof of claim by the Director.

(14)

The Director sent by certified mail to each person, firm or corporation who had filed a declaration of intention to file a claim to the use of the waters of the Lost River and its tributaries in this proceeding, in response to the notice described in Finding 4 above, a notice similar to such published notice described in the preceding finding, setting forth the date when the Director would receive the statements and proofs of claim to the use of the waters of said stream and its tributaries. The notice was mailed at least thirty days prior to the date set for receiving of statements and proofs of claim. The Director included with each notice a blank form upon which the claimant or owner could prepare in writing all the particulars necessary for the determination of his right, under oath, and a pamphlet of information for water users in the preparation of their statements and proofs of claim in connection with the adjudication of water rights.

(15)

The times and places where the Director would appear and receive the statements and proofs of claim of the various parties, were fixed in the notice as follows:

On Tuesday, June 1; Wednesday, June 2; Thursday, June 3; Friday, June 4, 1982; in Blue Room No. 255-B, Student Union Building, Oregon Institute of Technology, Campus Drive, Klamath Falls, Oregon.

And for a period of ten days, beginning with Monday, June 7, and ending with Friday, June 18, 1982, excepting Saturday and Sunday at the office of the Water Resources Department, 555 13th Street NE, Salem, Oregon.

(16)

The following named persons, firms or corporations who had filed their notices of intention to file a statement and proof of claim, were duly notified by certified mail, as provided by law, of the commencing of the taking of statements and proofs of claim of their rights to the use of the waters of Lost River and its tributaries:

MAILED APRIL 23, 1982

BROWN, Barton D.	Rt. 2, Box 718, Klamath Falls, OR 97601
BROWN, Basil W.	Rt. 2, Box 719, Klamath Falls, OR 97601
BRUCE, Sylvia G.	686 8th Avenue, Yuma, AZ 85364
BRUCE, Sylvia G. & H. Max	686 8th Avenue, Yuma, AZ 85364

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GROHS, Frank P. Jr.; GROHS, Neil C.	Rt. 1, Box 117, Bonanza, OR 97623
HIGH, Zella	Rt. 2, Box 742, Klamath Falls, OR 97601
HILYARD, Glen L.	6744 Hilyard, Klamath Falls, OR 97601
HOLL LOGGING	Loveness Road, Malin, OR 97632
HUBBARD, James M. & Marjorie A.	Rt. 1, Box 21, Bonanza, OR 97623
HUFFMAN, J.J. & Leona M.	Rt. 1, Box 86, Bonanza, OR 97623
IF RODGERS & SONS	Rt. 2, Box 752, Klamath Falls, OR 97601

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JELD-WEN INC. 3303 Lakeport Blvd., Klamath Falls, OR 97601

JOHNSON, Roger & Sylvia P.O. Box 121, Winnemucca, NV 89445
JOHNSON STOCK COMPANY P.O. Box 62, Malin, OR 97632
JOY, Ed 3438 Summit Street, Kansas City, MO 64100

KELLEY, Bill R. 3254 Fairview, Dallas, TX 75223
KENT, Eldon H. & Virginia Rt. 1, Box 71, Bonanza, OR 97623
KILNOSKI, Walter 101 Zenith Drive, Apt. 1, Council Bluffs, IA 51501

KLAMATH REC. ASSOCIATION P.O. Box 56, Bonanza, OR 97623
LANGER, P.A. & Iva May Box 393, Dorris, CA 96023
LAUGHLIN, Robert L.; FRYE, Stuart S. P.O. Drawer 1, Rancho Santa Fe, CA 92067

LEPLEY, Zona E.; GARRETT, Linda S. P.O. Box 1498, Klamath Falls, OR 97601
LEQUIEU, L. & Laverna; LEQUIEU, J.A. & Winonah Star Route, Box 24, Malin, OR 97632
c/o E.J. Jr. & D. Stastny
LOVENESS, L.E. & Linda L. Star Route Box 13, Malin, OR 97632
LOVENESS, Loyal H. & Vinton H. 531 El Arroyo Road, Hillsborough, CA 94010

LOVENESS LUMBER OFFICE Malin, OR 97632
LOVENESS, R.H. & L. Star Route, Box 14, Malin, OR 97632
LOVENESS, Vinton H. & Fern L. 531 El Arroyo Road, Hillsborough, CA 94010

MALIN IRRIGATION DISTRICT c/o Mark Evans, Secy. Malin, OR 97632
MONTGOMERY, M.B. & Norma J. Star Route Box 19A, Malin, OR 97632
MORRISON, B.D. & Martha D.; HUNGRY HOLLOW YTH. RANCH Box 3178 Fairview, Coquille, OR 97423

NELSON, Charles A. & Marjorie L.; NELSON, Charles A. Jr. & Eleanor Rt. 1, Box 134, Bonanza, OR 97623
O'NEILL, J.K. & Peggy A. 6309 Harlan Drive, Klamath Falls, OR 97601

OWENS, J.B. & E. Marie 1929 Terrace, Klamath Falls, OR 97601
PACIFIC POWER & LIGHT CO. 413 Main Street, Klamath Falls, OR 97601

PINEAU, John & Joan 15725 McElroy Road, Meadow Vista, CA 95722

RH & L LOVENESS LUMBER COMPANY Star Route, Box 14, Malin, OR 97632
RAJNUS, William J. Jr. Rt. 2, Box 783, Klamath Falls, OR 97601

REULAND ELECTRIC COMPANY 17969 E. Railroad, Industry, CA 91744
ROBERTSON, Elizabeth E. Rt. 1, Box 207, Bonanza, OR 97623
ROWE, Vonda E. 9035 Duarte Road #35, San Gabriel, CA 91776

SCHMOE, KILGORE & KILGORE Rt. 1, Box 111C, Bonanza, OR 97623
SCHREINER, L.B. & Agnes E. Star Route, Box 30, Malin, OR 97632
SHARP, Elizabeth; FACILITIES LEASING 635 Main, Klamath Falls, OR 97601
SMITH, R.A. & Geneva A. Rt. 1, Box 66, Bonanza, OR 97623
SMITH, Richard A. Rt. 1, Box 43, Bonanza, OR 97623
SMITH, Walter Jr. Rt. 1, Box 57, Bonanza, OR 97623
STASTNY, E.J. Jr. & Diana F. Star Route, Box 24, Malin, OR 97632
STASTNY, E.J. Sr. & Mariam; STASTNY, E.J. Jr. & D.F. Star Route, Box 24, Malin, OR 97632

STASTNY, Walter H. Star Route, Box 4, Malin, OR 97632
STATE OF OREGON, DIVISION OF STATE LANDS 1445 State Street, Salem, OR 97310
STREET, Charles F. Star Route, Box 28, Malin, OR 97632
TAYLOR, J.R. 857 South H Street, Lakeview, OR 97630
TAYLOR, Joe C., Heirs of Rt. 2, Box 742, Klamath Falls, OR 97601

US DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT 1000 9th Street S., P.O. Box 151, Lakeview, OR 97630
US DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT Oregon State Office, 729 NE Oregon Ave., P.O. Box 2965, Portland, OR 97208

US DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION Regional Office, 2800 Cottage Way, Sacramento, CA 95825
VALIANT DEV. CORP. & OUTDOOR LAND DEV. CORP. 1801 Century Park West, Los Angeles, CA 90067

VANDERHOFF, H.C. Jr. & E. 8448 Booth Road, Klamath Falls, OR 97601

WILLIAMS LAND COMPANY Rt. 1, Box 181, Bonanza, OR 97623
WILLOW VALLEY IRRIGATION DISTRICT 781 Main Street, Klamath Falls, OR 97601
YONNA VALLEY RANCH Rt. 1, Box 249E, Bonanza, OR 97623

MAILED APRIL 29, 1982

BIAGGI, Charles W. & Peggy; VENABLE, Thomas M. & Patricia Star Route, Dairy, OR 97625
BROWN, Grant F. & Lois M. Rt. 1, Box 323, Bonanza, OR 97623

D'EWART, Joann c/o Alfonso Zerbini
MARTIN, Richard C. & Linda J.
SOUTH FAIR COMPANY
THE CALANDOR PINE CORPORATION, Andrew Sean Hana,
Vice-President & Secretary
ZERBINI, Alfonso

Rt. 1, Box 75, Bonanza, OR 97623
Rt. 1, Box 205, Bonanza, OR 97623
1302 Camino Del Mar, Del Mar, CA 92104
P.O. Box 1010, Alturas, OR 97610
Rt. 1, Box 75, Bonanza, OR 97623

MAILED MAY 5, 1982

LAKE COUNTY, Re: Ed Joy
UNDERWOOD, Curtis & Della

Courthouse, Lakeview, OR 97630
Rt. 1, Box 824, Bonanza, OR 97623

MAILED MAY 19, 1982

ALBERTSON, Jack

Rt. 6, Box 2530, Lakeview, OR 97630

(18)

All of the certified notices, addressed as tabulated above, were apparently delivered to the addressee by the Post Office Department except those hereinafter tabulated, which were returned by the Post Office Department bearing notation as to the reason for non-delivery as shown by the statement following the name:

CLARK, Homer, J.
CONKLIN-FENSTERMAKER, INC.
CORDIS, K.L. & Jo Anne I.
DAVIS, H.R. & Mary Ann
DOWNEY, Lowell & Marjorie
DOWNEY, R.A.
DOWNEY, Russell & Elsie
EMBREE, C. & Robert J.; McELHINNEY,
A.D. & C.V.
EMBREE, C. & Robert J.; ROE, J.R. &
Constance G.
EMBREE, C. & Robert J.; ROWE, Vonda E.
EMBREE, Carmen & Robert J.; CAIN,
Alan & Darlene F.
HILYARD, Glen L.
JOY, Ed
NEWELL, Myron Lee & Beverly Ruth
O'NEILL, J.K. & Peggy A.
OWENS, J.B. & E. Marie
ROWE, Vonda E.
VALIANT DEVELOPMENT CORP. & OUTDOOR
LAND DEVELOPMENT CORP.

Undeliverable as addressed
Undeliverable as addressed
Undeliverable as addressed
Undeliverable as addressed
Addressee unknown
Addressee unknown
Addressee unknown
Forward expired
Forward expired
Moved, not forwardable
Forward expired
Undeliverable as addressed
Undeliverable as addressed
No longer owner of property
Forward expired
Forward expired
Moved, not forwardable
Moved, not forwardable

(19)

The following named persons, firms or corporations were again checked with the records, telephone directories and by personal contact with persons residing in the area; and another attempt was made to give notice by certified mail to them at the addresses as shown:

MAILED APRIL 29, 1982

CAIN, Alan & Darlene F.
CLARK, Homer, J.
DOWNEY, R.A.
DOWNEY, Russell & Elsie
ROWE, Vonda E. c/o Darlene F. Cain

3751 Vale Road, Klamath Falls, OR
97601
Star Route, Box 22, Malin, OR 97632
973 Wyoming Drive, Merced, CA 95340
973 Wyoming Drive, Merced, CA 95340
3751 Vale Road, Klamath Falls, OR
97601

MAILED MAY 5, 1982

DAVIS, H.R. & Mary Ann	P.O. Box 141, Bonanza, OR 97623
DOWNEY, Lowell K. & Marjorie	7710 Del View, Westchester, Ohio 45069
HILYARD, Glen L., Heirs of Hilyard, Shirley; Shawn Lee; Kely Anne; Hal Gregory; Shana Leann	8320 Keller Road, Klamath Falls, OR 97601
OWENS, J.B. & E. Marie	520 Klamath Ave., Klamath Falls, OR 97601
VALIANT DEV. CORP. & OUTDOOR LAND DEV. CORP. c/o Carlsberg Corporate Center, Attn: Ros	2800 - 28th Street, Santa Monica, CA 90405

MAILED MAY 11, 1982

WILLOW VALLEY IRRIGATION DISTRICT, c/o Mr. Noel Reuland Box 1464, Industry, CA 91749

(20)

Thereafter, it appeared additional time was necessary in which to file said statement and proof of claim. The Deputy Water Resources Director entered an order on the 30th day of July 1984, directing that the time within which to file statement and proof of claim be extended and continued through the 30th day of July, 1984.

(21)

In response to said notices to file statement and proof of claim, the following named persons, firms, or corporations submitted to the Director statements and proofs of claim:

CIRCLE FIVE RANCH, INC. (Louis Randall)	Rt. 1, Box 69A, Bonanza, OR 97623
COLAHAN, Raymond and Kathleen Kamahaku	P.O. Box 89, Paisley, OR 97636
FITZHUGH, Paul, c/o Kay Robinette	975 Oak Street, Suite 600, Eugene, OR 97401
GARREN, Arthur A.	P.O. Box 278, Bonanza, OR 97623
GARRETT, Edward L. & Mildred	Rt. 6, Box 710, Lakeview, OR 97630
GERBER, Mariam W.	Rt. 1, Box 62A, Bonanza, OR 97623
GERBER, Mariam W.; Sylvia Gerber Bruce; H. Max Bruce	Rt. 1, Box 62A, Bonanza, OR 97623
LIVINGSTON, Edward G.	P.O. Box 67, Bly, OR 97622
MEADOW LAKE, INC.	P.O. Box 477, Klamath Falls, OR 97601
RITTER RANCH INC. (Walter N. Ritter)	Rt. 1, Box 346, Bonanza, OR 97623
SAGEHORN, Leo & Marie J.	P.O. Box 186, Ft. Bidwell, CA 96112
TAYLOR, J. Boyd, Personal representative of the estate of Josephine Taylor	Rt. 6, Box 5750, Lakeview, OR 97630
WILSON, Marlin D. & Rosa F.	P.O. Box 311, Sprague River, OR 97639

(22)

The U.S. Department of Justice submitted Statement and Proof of Claim in the name of United States of America for: The U.S. Bureau of Reclamation, Department of Interior; Fremont National Forest, Department of Agriculture; and Winema National Forest, Department of Agriculture. The Statements and Proofs of Claim were not filed in the proceedings by order of the Director on December 18, 1986, as they were not accompanied by fees as required by ORS 539.030 and they were not complete. The Director also ordered that the forms be returned and an additional 90 days be allowed to submit any acceptable claim along with necessary fees.

(23)

Within the time period allowed, the United States of America, Fremont National Forest submitted six Statements and Proofs of Claim with the necessary fees.

(24)

The United States of America was included in the original adjudication of Lost River in which the court decreed inchoate rights to the United States of America. Those inchoate rights are being determined in a separate supplemental proceeding for the U.S. Bureau of Reclamation claim as previously provided for by the Court Decree of September 12, 1918, and they are specifically excluded from this proceeding.

(25)

All persons, firms or corporations to whom notices were sent by certified mail, as tabulated under Findings 5, 7, 9, 11, 16, 17 and 19 above, who have failed, neglected or refused to appear herein and submit proof of a claim of right to the use of the waters of Lost River and its tributaries initiated prior to the adoption of the Oregon Water Code on February 24, 1909, if any they have or claim, are in default; such default is here and now entered against them, and each of them, and such parties are hereby barred and estopped from using or asserting any rights to the use of the waters of said Lost River or any tributary thereof, except by, through or under the rights of persons whose water rights are defined herein, or under and by virtue of permits issued by the Director, as provided by law.

(26)

After completion of the taking of such statements and proofs of claim, the Director on the 4th day of February, 1988, or on the 8th day of February, 1988, gave notice by certified mail to each of the various claimants to the use of the waters of the Lost River and its tributaries, as provided by law, that at the times and places named in said notice, to wit:

For a period of five days, beginning Monday, February 22, 1988, and ending Friday, February 26, 1988, at the Conference Room of the Extension Office, 3328 Vandenberg Road, Klamath Falls, Oregon

And for a period of five days beginning Monday, March 7, 1988, and ending Friday, March 11, 1988, at the office of the Water Resources Department, 3850 Portland Road NE, Salem, Oregon

the statements and proofs of claim theretofore filed would be open to inspection between the hours of 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. on each days. The notice stated that the determination of the Director would be heard by the Circuit Court of the State of Oregon, for the County of Klamath.

(27)

The Director kept the statements and proofs of claim open to inspection at said times and places in accordance with the notice described in Finding 26.

(28)

The time set by law for filing of statement of contest, i.e. within fifteen days after the expiration of the period for open inspection, would have expired on March 28, 1988. Since additional time was required by certain parties to properly prepare and file their statement of contest, the Director entered an order on the 28th day of March 1988, directing that the time within which to file statement of contest be extended as provided by law, and same thereby was extended and continued to include the 18th day of April 1988.

Within the time as extended by order of the Director, the following contests were initiated by the filing with the Director of notices of contest, in writing:

<u>CONTEST NO. 1</u>	Ritter Ranch, Inc. by Walter Ritter vs. Raymond Colahan & Kathleen Kamahaku	Contestant Contestee
<u>CONTEST NO. 2</u>	United States Bureau of Reclamation vs. Circle Five Ranch, Inc. by Louis Randall, President	Contestant Contestee
<u>CONTEST NO. 3</u>	United States Bureau of Reclamation vs. E.L. and Mildred Garrett	Contestant Contestee
<u>CONTEST NO. 4</u>	United States Bureau of Reclamation vs. J. Boyd Taylor, representing the Estate of Josephine Taylor	Contestant Contestee

(29)

After the filing of statements of contest, the Director fixed a time and place for hearing of each of the contests.

(30)

On the 11th day of July 1988, the Director served notice of Contest No. 1 by certified mail on each of the parties to the contest and on their respective counsel, the date fixed for the hearing was not less than 30 days and not more than 60 days from the date of notice of the hearing served on said parties and their counsel. On the date and at the time and place fixed for the hearing, being Thursday, August 11, 1988, at 1:30 p.m., in the Upstairs Conference Room, Oregon State Extension Office, 3328 Vandenberg Road, at Klamath Falls, Klamath County, Oregon, the hearing of the contest

was commenced before James W. Carver, Jr., an authorized assistant to the Water Resources Director and continued until disposed.

(31)

Due proof of the various notices by certified mail as stated has been made and filed as a part of the record herein.

(32)

CONTEST NO. 1

Two statements and proofs of claim were filed in the names of Raymond Colahan and Kathleen Kamahaku claiming vested rights to storage and use of water from Wildhorse Creek in Klamath County, Oregon.

Proof No. 3 claims a vested right for storage of water from Wildhorse Creek in Ritter Reservoir within Sections 4 and 5 of Township 38 South, Range 11 East, WM, Klamath County, Oregon. Claimants claim a 2/3 interest in the waters stored in Ritter Reservoir which has a total capacity 293 acre-feet.

Proof No. 4 claims a vested right to use water stored in Ritter Reservoir and from the flow of Wildhorse Creek for irrigation of certain lands. The said proof states that beginning in 1903, and continuing to about the year of 1954, the water was used to irrigated a certain 15 acres in the NE1/4 SE1/4 and 29 acres in the SE1/4 SE1/4 of Section 1, Township 38 South, Range 11-1/2 East, and 25 acres in the NW1/4 SW1/4 of Section 6 of Township 38 South, Range 11 East, WM. The proof also states that in 1954, the place of use was changed to 2.4 acres in the NE1/4 NE1/4 and 16.8 acres in the SE1/4 NE1/4 of Section 1, Township 38 South, Range 11-1/2 East, and 20.6 acres in the NW1/4 NW1/4 and 38.0 acres in the SW1/4 NW1/4 of Section 6, Township 38 South, Range 11 East, WM.

A contest against the said claims of vested water rights was filed in the name of Ritter Ranch, Inc., by Reginald R. Davis of the law firm of Brandness, Brandness and Davis, Klamath Falls, Oregon. The contestant was represented by Reginald R. Davis, Attorney at Law. The claimants were represented by James C. Lynch, Attorney at Law, Lakeview, Oregon.

Subsequent to the physical change in place of use in 1954, water for irrigation of the described lands within the E1/2 NE1/4 of Section 1 and the W1/2 NW1/4 of Section 6 was pumped from the channel of Wildhorse Creek within the SW1/4 NW1/4 of said Section 6, at a point about two miles downstream from Ritter Reservoir. The pump, powered by an electrical motor, discharged the water into a pipeline and sprinkler system to be spread on the subject land.

The said pump was removed during the year of 1981, and the power service to the pumping site was disconnected. Subsequent to that, the pipeline and sprinkler system was replaced. The subject lands within the E1/2 NE1/4 of Section 1 and the W1/2 NW1/4 of Section 6 continued under irrigation, but not from Ritter Reservoir or Wildhorse Creek. The subject lands, along with other lands, came under irrigation by means of a center pivot irrigation system supplied with ground water from a well.

Since 1981, the claimants have not had in place a pump and distribution system

capable of diverting the waters available in Ritter Reservoir and/or the channel of Wildhorse Creek to beneficial use on the subject lands.

The record shows that from 1981 through 1987, there were two years that water was available from storage in Ritter Reservoir that could have been called for and used by the claimants on the subject lands. During the irrigation season of 1982, Ritter Reservoir was nearly full to its capacity of 293 acre-feet of water. Two-thirds of that stored water was subject to the call and use by the claimants. During the irrigation season of 1984, Ritter Reservoir was filled to approximately one-half of its full depth. At half-full depth, the stored water would total approximately 65 acre-feet. Two-thirds of that amount, or approximately 43 acre-feet of that stored water was subject to call and use by the claimants.

The record is clear that the claimants chose not to call for and use the waters available to them from storage in Ritter Reservoir on the subject lands.

There are two issues before the Director in this matter:

First, have the claimants abandoned or forfeited the claimed vested right for irrigation by failure to make beneficial use of available water for irrigation of the described lands within the E1/2 NE1/4 of said Section 1 and the W1/2 NW1/4 of said Section 6, within a specific period of years?

Second, was the claimed vested right for irrigation abandoned or forfeited by ceasing beneficial irrigation in 1954, on the described lands occupying the original place of use within the E1/2 SE1/4 of said Section 1 and the W1/2 SW1/4 of said Section 6 and, in lieu thereof, using water for beneficial irrigation of the described lands occupying the new place of use?

ORS 540.610(1) provides, "Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use the water appropriated for a period of five successive years, the right to use shall cease, and the failure to use shall be conclusively presumed to be an abandonment of water right. Thereafter the water which was the subject of use under such water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities."

The claimants did not stand ready with a system of works to divert and apply available water from Ritter Reservoir or Wildhorse Creek during any of the years of 1982 through 1987. In the matter of Day v. Hill, 241 OR 507 (509) the Supreme Court of Oregon held: "[I]t is immaterial whether there was enough water in Walker Creek for the plaintiffs' use. If there had been enough water, plaintiffs had no way of diverting it onto their land." The issue before the court was a matter of forfeiture of a "perfected and developed" water right resulting from five successive years of nonuse, pursuant to ORS 540.610 to 540.650.

The matter now before the Water Resources Director pertains to claimed vested rights, not to "perfected and developed" rights. However, we believe the standard as stated by the court is applicable in this matter.

The claimed vested water rights as described by Proof No. 3 and Proof No. 4 have been abandoned pursuant to the provisions of ORS 540.610(1) and are hereby denied.

(33)

On the 16th day of February 1989, the Director served notice of Contest No. 2 by certified mail on each of the parties to the contest and on their respective counsel. The date fixed for the hearing was not less than 30 days and not more than 60 days from the date of notice of the hearing served on said parties and their counsel.

(34)

Due proof of the various notices by certified mail as stated has been made and filed as a part of the record herein.

(35)

CONTEST NO. 2

Prior to the date and time set for the hearing on contest, the matter was settled by stipulation between the Contestant (United States Bureau of Reclamation) and Contestee (Circle Five Ranch, Inc., by Louis Randall, President), which stipulation is entered as evidence in this proceeding as follows:

THIS AGREEMENT is being made to settle a long standing water rights dispute between Louis Randall and the U.S. Bureau of Reclamation concerning water use in the Big and Little Squaw Flat Reservoir areas.

IT IS mutually understood that:

1. Louis Randall will remove the Dam at the Big Squaw Flat located in the NE1/4 SE1/4 of Section 6, Township 39 South, Range 15 East, W.M. The removal will be complete down to the original ground level and all control structures will also be removed prior to the 1989-1990 storage season. However, in the event that the dam is over-excavated, the right is reserved to place a gated structure in the channel so long as no part of the structure is above the original ground at the dam site. This will allow the draining of a dead storage pool in the Big Squaw Flat area at Louis Randall's convenience. Normal storage in the Big Squaw Flat Reservoir is approximately 500 acre-feet.
2. The Bureau of Reclamation will not protest Louis Randall's future application to raise the Little Squaw Flat Dam located in the SE1/4 NE1/4 of Section 4, Township 39 South, Range 15 East, W.M., to accommodate an additional storage of 150 acre-feet. The current storage in Little Squaw Flat Reservoir is 440 acre-feet. The additional 150 acre-feet would bring the storage to an agreeable amount of 590 acre-feet for continued future use.
3. The Bureau of Reclamation will not protest Louis Randall's application to construct a reservoir and dam located approximately one (1) mile Northeast of the Little Squaw Flat Dam. The reservoir is located in a natural depression in the SE1/4 SW1/4 of Section 34, Township 38 South, Range 15 East, W.M., and is presently considered dead storage. As a result, it will be necessary for Louis Randall to construct an outlet canal to make use of the stored water. This canal will divert water into the Big Squaw Flat area and then be returned to Long Branch Creek below. At the present time, the estimated dead storage is approximately 100 acre-feet. The dam will be constructed

of sufficient height to contain the present dead storage and an additional 50 acre-feet.

4. The Bureau of Reclamation will withdraw the Statement of Contest filed with the Water Resources Director of the State of Oregon on April 15, 1988, which contested the claims of Louis Randall to the use of the Squaw Flat and Little Squaw Flat Reservoirs. A copy of this Memorandum of Agreement will be filed with the Oregon Department of Water Resources.

5. Any action taken by the United States Department of Interior, Bureau of Reclamation, acting through its authorized representative, in settlement or resolution of the subject protest(s) or contest(s) is not in any way to be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings which constitute a "suit" under the McCarran Agreement.

6. This agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

This agreement is dated the 16th day of March, 1989.

The rights to the use of water from unnamed creeks tributaries of Lost River, as claimed by the Contestee in his Statements and Proofs of Claim No. 1 and No. 2, are more particularly determined in Finding #42 and #43 and set out in the tabulation of water rights under Finding #72 herein.

(36)

On the 16th day of February 1989, the Director served notice of Contest No. 3 by certified mail on each of the parties to the contest and on their respective counsel. The date fixed for the hearing was not less than 30 days and not more than 60 days from the date of notice of the hearing served on said parties and their counsel.

(37)

Due proof of the various notices by certified mail as stated has been made and filed as a part of the record herein.

(38)

CONTEST NO. 3

Prior to the date and time set for the hearing on contest, the matter was settled by stipulation between the Contestant (United States Bureau of Reclamation) and Contestee (E.L. and Mildred Garrett), which stipulation is entered as evidence in this proceeding as follows:

THIS AGREEMENT is being made to settle a long standing water rights dispute between E.L. and Mildred Garrett and the U.S. Bureau of Reclamation concerning water use in the Pitt and Arkansas Reservoir areas.

IT IS mutually understood that:

1. E.L. and Mildred Garrett will remove the dam at the Pitt Reservoir located in the SW1/4 NW1/4 of Section 4, Township 39 South, Range 16 East, W.M. The removal will be complete down to the original ground level and all control structures will be removed. Work to accomplish

the above will be completed prior to the 1989-1990 storage season.

2. The Bureau of Reclamation will not object to the continued use by E.L. and Mildred Garrett to store a maximum of 122 acre-feet in Arkansas Reservoir.

3. The Bureau of Reclamation will withdraw the Statement of Contest filed with the Water Resources Director of the State of Oregon on April 15, 1988, which contested the claims of E.L. and Mildred Garrett to the use of the Arkansas and Pitt Reservoirs. A copy of this Memorandum of Agreement will be filed with the Oregon Water Resources Department.

4. Any action taken by the United States Department of Interior, Bureau of Reclamation, acting through its authorized representative, in settlement or resolution of the subject protest(s) or contest(s), is not in any way to be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings which constitute a "suit" under the McCarran Amendment.

5. This agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

This agreement is dated the 20th day of March, 1989.

The right to the use of water from Lapham Creek, Pitt Lake Reservoir and Arkansas Reservoir, as claimed by the Contestee in their Statement and Proof of Claim No. 7, are more particularly determined in Finding #48 and set out in the tabulation of water rights under Finding #72 herein.

(39)

On the 16th day of February 1989, the Director served notice of Contest No. 4 by certified mail on each of the parties to the contest and on their respective counsel. The date fixed for the hearing was not less than 30 days and not more than 60 days from the date of notice of the hearing served on said parties and their counsel.

(40)

Due proof of the various notices by certified mail as stated has been made and filed as a part of the record herein.

(41)

CONTEST NO. 4

Prior to the date and time set for the hearing on contest, the matter was settled by stipulation between the Contestant (United States Bureau of Reclamation) and Contestee (J. Boyd Taylor, Representing the Estate of Josephine Taylor), which stipulation is entered as evidence in this proceeding as follows:

THIS AGREEMENT is being made to settle a long standing water rights dispute between the J. Boyd Taylor (Estate of Josephine Taylor) hereinafter called Estate, and the U.S. Bureau of Reclamation concerning water use in the Strawberry and Oxbow Reservoir areas.

IT IS mutually understood that:

1. The Estate will modify the spillway at Strawberry Dam to bypass all storage in excess of 1114 acre-feet. Said spillway and dam are located in the SE1/4 SE1/4 of Section 8, Township 40 South, Range 16 East, W.M. The modification to the spillway will be completed prior to the 1989-1990 storage season.

2. The Estate will be allowed to store additional water in the Strawberry Reservoir whenever the storage in Gerber Reservoir is above 58,000 acre-feet on the 1st of March. Under this condition, Strawberry Reservoir storage shall be allowed to increase to 1880 acre-feet. The Estate will request, in writing from the Bureau, storage information and the Bureau will grant permission, in writing, prior to the increasing of storage levels above 1114 acre-feet in Strawberry Reservoir.

3. The Bureau of Reclamation will not object to the Estate continuing to operate Oxbow Reservoir for water control and storage to its present capacity of 309 acre-feet.

4. The Bureau of Reclamation will withdraw the Statement of Contest filed with the Water Resources Director of the State of Oregon on April 15, 1988, which contested the claims of the Josephine Taylor Estate to the use of the Strawberry and Oxbow Reservoirs. A copy of this Memorandum of Agreement will be filed with the Oregon Water Resources Department.

5. Any action taken by the United States Department of Interior, Bureau of Reclamation, acting through its authorized representative, in settlement or resolution of the subject protest(s) or contest(s), is not in any way to be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings which constitute a "suit" under the McCarran Agreement.

6. This agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

This agreement is dated the 21st day of March, 1989.

The rights to the water from Strawberry Reservoir, Strawberry Creek, Barnes Valley Creek, unnamed draw and Oxbow Reservoir, as claimed by the Contestee in his Statements and Proofs of Claim No. 20 and No. 21, are more particularly determined in Finding #61 and #62 and set out in the tabulation of water rights under Finding #72 herein.

(42)

Proof #1

CIRCLE FIVE RANCH INC., Louis Randall, President

County: Klamath

Basin Number: 14

Source: unnamed creek (Little Squaw Flat)

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: NE1/4 NE1/4, Section 9, T39S R15E W.M.

Use: Irrigation

Date of Initiation: 1902

Place of Use Location: 1.5 acres SW1/4 NW1/4, 1.4 acres NW1/4 SW1/4, Section 3; 11.2 acres SE1/4 NE1/4, 4.6 acres NE1/4 SW1/4, 4.5 acres SE1/4

SW1/4, 31.7 acres NE1/4 SE1/4, 15.5 acres NW1/4 SE1/4, 21.7 acres SW1/4 SE1/4, 33.6 acres SE1/4 SE1/4, Section 4; 10.9 acres NE1/4 NE1/4, 7.2 acres NW1/4 NE1/4, 0.8 acre NE1/4 NW1/4, Section 9, T39S R15E W.M. Total 144.6 acres.

The evidence available shows that the dam at Little Squaw Flat Reservoir was not constructed prior to February 24, 1909. Plans submitted to the Water Resources Department in 1937 by Lloyd Gift prepared by R.H. Rogers, Engineer, show a "core" of a dam which had been built about 15 years earlier (1920+). A letter written by R.H. Rogers, Engineer, dated June 15, 1937 relates, "... the remains of a smaller dam now about four feet high and five feet wide and built about 15 years ago..." (1920+). A deposition of Harry H. Howard dated June 30, 1961 relates, question: "Was the Little Squaw Flat Reservoir in there?" (fall of 1902) Answer: "I don't think it was."

It appears that any claimed right to store or to the use of stored water in Little Squaw Flat Reservoir, other than described in Water Right Certificate #14355 and Certificate #14398, should be and hereby is DENIED. That the claimant's right to store and the use of the stored water in Little Squaw Flat Reservoir shall be as set out and defined in Certificate #14355 and Certificate #14398.

Water is diverted by a dam across the unnamed creek, downstream from Little Squaw Flat Reservoir, that runs through Little Squaw Flat. The dam stops the flow of water and causes the meadow upstream to be irrigated by overflow and sub-irrigation from the channel. The land irrigated is a natural meadow used for livestock pasture.

Following the open inspection of evidence, a drafting error was discovered on the map showing Little Squaw Flat. The map error showed 11.7 acres of irrigation within the SW1/4 SE1/4, Section 4, T39S R15E W.M. The correct acreage of irrigation within the SW1/4 SE1/4, Section 4, T39S R15E W.M. is 21.7. The map has been changed to show the 21.7 acres.

This claimed right is limited to one and one-half acre-feet per acre for irrigation from the unnamed creek with a priority date of 1902. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(43)

Proof #2

CIRCLE FIVE RANCH, INC., Louis Randall, President

County: Klamath

Basin Number: 14

Source: unnamed creek (Squaw Flat)

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: NE1/4 SE1/4, Section 6, T39S R15E W.M.

Use: Irrigation

Date of Initiation: August 13, 1885

Place of Use Location: 6.7 acres NE1/4 SW1/4, 12.0 acres NW1/4 SW1/4, 33.6 acres SW1/4 SW1/4, 39.7 acres SE1/4 SW1/4, 22.5 acres SW1/4 SE1/4, Section 32, T38S R15E; 6.3 acres NE1/4 NE1/4, 40.0 acres NW1/4 NE1/4, 30.5 acres SW1/4 NE1/4, 0.8 acre SE1/4 NE1/4, 40.0 acres NE1/4 NW1/4, 18.7 acres NW1/4 NW1/4, 36.0 acres SW1/4 NW1/4, 29.7 acres SE1/4 NW1/4, 12.0 acres NW1/4 SW1/4, Section 5, T39S R15E W.M.; 2.3 acres SE1/4 NE1/4, 5.7 acres NE1/4 SE1/4, Section 6, T39S R15E, W.M. Total 336.5 acres.

Water is diverted by a dam across the unnamed creek that runs through Big Squaw Flat. The dam stops the flow of water and causes the meadow upstream to be irrigated by overflow and sub-irrigation from the channel. There is an 18 inch c.m.p. with a slide gate which is the outlet conduit. The land irrigated is a natural meadow used for livestock pasture.

The United States Bureau of Reclamation filed with the Water Resources Director on April 18, 1988, a Statement of Contest against Louis Randall's claims under Proof #1 and Proof #2. Then on March 27, 1989, a Memorandum of Agreement between the U.S. Bureau of Reclamation and Louis Randall along with a letter signed by Kirk C. Rodgers, Project Manager, U.S. Bureau of Reclamation, withdrawing the Statement of Contest was filed with the Director.

The agreement requires Louis Randall to remove the dam at Squaw Flat. The effect of the agreement is to withdraw the claim. No water right will be awarded.

(44)

Proof #3

COLAHAN, Raymond and Kathleen Kamahaku

County: Klamath

Basin Number: 14

Source: Ritter Reservoir

Tributary to: Lost River

Source Type: Reservoir

Diversion Point Location: NE1/4 SE1/4, Section 5, T38S R11E W.M.

Use: Storage

Date of Initiation: February 13, 1896

Place of Use Location:

This claim was contested, a hearing held by the Water Resources Department and it was determined that the claimed vested water right was abandoned pursuant to the provisions of ORS 540.610(1). Refer to Contest No. 1 in Findings #28, 29, 30, 31 & 32. This claimed right is DENIED.

(45)

Proof #4

COLAHAN, Raymond and Kathleen Kamahaku

County: Klamath

Basin Number: 14

Source: Wildhorse Creek and Ritter Reservoir

Tributary to: Lost River

Source Type: Reservoir

Diversion Point Location: NE1/4 SE1/4, Section 5, T38S R11E W.M.

Use: Irrigation

Date of Initiation: December 10, 1902

Place of Use Location:

This claim was contested, a hearing held by the Water Resources Department and it was determined that the claimed vested water right was abandoned pursuant to the provisions of ORS 540.610(1). Refer to Contest No. 1 in Findings #28, 29, 30, 31 & 32. This claimed right is DENIED.

(46)

Proof #5

FITZHUGH, Paul

County: Klamath

Basin Number: 14

Source: 1) Stock Reservoir; 2) DeVaul Lake

Tributary to: Lost River

Source Type: 1&2) Reservoir

Diversion Point Location: 1) NE1/4 SW1/4, Section 10, T39S R13E W.M.

2) SE1/4 NE1/4, Section 15, T39S R13E W.M.

Use: 1&2) Stock

Date of Initiation: 1905

Place of Use Location: 1) SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SE1/4, Section 10, T39S R13E, W.M.; 2) SW1/4 SE1/4, SE1/4 SE1/4, Section 10, NE1/4 NE1/4, NW1/4 NE1/4, SE1/4 NE1/4, Section 15, T39S R13E W.M.

An earth dam was constructed which forms a reservoir that is used to store stock water. Livestock go to the reservoir for water, there is no conveyance of water from the reservoir.

This claimed right is limited to 14.2 acre-feet stored water for stock use at the reservoir with a priority date of 1905.

DeVaul Lake is a natural pot hole with a control structure on the south end which

increases the storage. The stored water is used for stock water. Livestock go to the reservoir for water, there is no conveyance of water from the reservoir.

This claimed right is limited to 180 acre-feet stored water for stock use at DeVaul Lake with a priority date of 1905. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(47)

Proof #6

GARREN, Arthur A.

County: Klamath

Basin Number: 14

Source: Wildhorse Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: NW1/4 SE1/4, Section 6, T38S R11E W.M.

Use: Livestock

Date of Initiation: March 1899

Place of Use Location: SW1/4 NE1/4, NW1/4 SE1/4, Section 6, T38S R11E, W.M.

Water is diverted by a pump with a gas engine. There are two stock tanks in a corral that are filled by the pump. There may be up to 75 head of cattle on the property.

This claimed right is limited to a rate of diversion of not to exceed 0.01 cubic feet per second from Wildhorse Creek for stock use with a priority date of March, 1899. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(48)

Proof #7

GARRETT, E.L. and Mildred

County: Klamath

Basin Number: 14

Source: Lapham Creek, Pitt Lake Reservoir (DENIED) and Arkansas Reservoir

Tributary to: Lost River

Source Type: Stream and Reservoir

Diversion Point Location: SE1/4 NW1/4, Section 18, T39S R16E W.M.

Use: Irrigation

Date of Initiation: 1902

Place of Use Location: 5.7 acres SW1/4 NE1/4, 18.9 acres SE1/4 NE1/4, 0.2 acre SE1/4 NW1/4, 25.9 acres NE1/4 SW1/4, 3.4 acres NW1/4 SW1/4, 28.6 acres SW1/4 SW1/4, 27.5 acres SE1/4 SW1/4, 21.8 acres NE1/4

SE1/4, 39.4 acres NW1/4 SE1/4, 7.3 acres SW1/4 SE1/4, Section 13; 10.3 acres SW1/4 NW1/4, 11.9 acres SE1/4 NW1/4, 40.0 acres NE1/4 SW1/4, 38.5 acres NW1/4 SW1/4, 22.6 acres SW1/4 SW1/4, 38.7 acres SE1/4 SW1/4, 0.4 acre NE1/4 SE1/4, 25.7 acres NW1/4 SE1/4, 40.0 acres SW1/4 SE1/4, 29.5 acres SE1/4 SE1/4, Section 14; 28.0 acres NE1/4 SE1/4, 0.1 acre NW1/4 SE1/4, 14.8 acres SW1/4 SE1/4, 31.9 acres SE1/4 SE1/4, Section 15; 2.1 acres NE1/4 NE1/4, 29.2 acres NW1/4 NE1/4, 3.6 acres NE1/4 NW1/4, Section 23, T39S R15E, W.M.; 16.0 acres SW1/4 NW1/4, 6.7 acres NW1/4 SW1/4, Section 18, T39S R16E W.M. Total 568.7 acres.

Water is stored in Pitt Lake Reservoir and Arkansas Reservoir for irrigation on claimant's property. Pitt Lake Reservoir stores 122 acre-feet and Arkansas Reservoir stores 112 acre-feet, both reservoirs are on Wilson Creek. The claimant stores water through the winter months. Natural flow in Lampham Creek is diverted at the dam within the SE1/4 NW1/4, Section 18, T39S R16E W.M., when available during the irrigation season. When needed, the stored water is released down Wilson Creek into Lampham Creek and diverted for irrigation. The land irrigated is all meadow grass pasture used for livestock grazing.

The United States Bureau of Reclamation filed with the Water Resources Director on April 18, 1988, a Statement of Contest against E.L. and Mildred Garrett's claim under Proof #7. Then on March 27, 1989, a Memorandum of Agreement between the U.S. Bureau of Reclamation and E.L. and Mildred Garrett along with a letter signed by Kirk C. Rodgers, Project Manager, U.S.B.R., withdrawing the Statement of Contest was filed with the Director.

The agreement requires E.L. and Mildred Garrett to remove the dam at Pitt Lake Reservoir. The effect of the agreement is to withdraw the claim. No water right will be awarded.

This claimed right is limited to a diversion of a total of 2-1/2 acre-feet per acre total from Lampham Creek and Arkansas Reservoir for irrigation with a priority date of 1902. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(49)

Proof #8

GARRETT, E.L. and Mildred

County: Klamath

Basin Number: 14

Source: Barnes Valley Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: SE1/4 NE1/4, Section 20, T39S R15E W.M.

Use: Irrigation

Date of Initiation: 1902

Place of Use Location: 7.5 acres SE1/4 NE1/4, Section 20; 16.8 acres SE1/4 NE1/4, 24.9 acres SW1/4 NW1/4, 14.6 acres SE1/4 NW1/4, 8.5 acres NE1/4 SW1/4, 26.4 acres NE1/4 SE1/4, 32.8 acres NW1/4 SE1/4, Section 21, T39S R15E, W.M. Total 131.5 acres.

Water is diverted at two dams in the channel. These dams cause the water to overflow and flood the meadow pasture. This diversion relies on natural flow in the creek. The land irrigated is all meadow grass pasture used for livestock grazing.

This claimed right is limited to a diversion of 2-1/2 acre-feet per acre from Barnes Valley Creek for irrigation with a priority date of 1902. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(50)

Proof #9

GERBER, Mariam W.

County: Klamath

Basin Number: 14

Source: Long Branch Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: NE1/4 NE1/4, Section 12, T39S R14E W.M.

Use: Irrigation

Date of Initiation: October 12, 1899

Place of Use Location: 3.6 acres SW1/4 NW1/4, 6.4 acres SE1/4 NW1/4, 4.3 acres NE1/4 SW1/4, 8.9 acres NW1/4 SE1/4, 8.1 acres SW1/4 SE1/4, 0.5 acre SE1/4 SE1/4, Section 1; 10.0 acres NE1/4 NE1/4, 1.0 acre NW1/4 NE1/4, Section 12, T39S R14E, W.M. Total 42.8 acres.

Water is diverted by dams in the channel. These dams cause the water to overflow and flood the meadow pasture. The land irrigated is all meadow grass pasture used for livestock grazing.

This claimed right is limited to a diversion of 2-1/2 acre-feet per year from Long Branch Creek for irrigation with a priority date of October 12, 1899.

Claimant's rights are listed in the tabulation of water rights in Finding #72.

Proof #10

GERBER, Mariam W.; BRUCE, Sylvia Gerber; BRUCE, Max H.

County: Klamath

Basin Number: 14

Source: A) Wilson Lake Reservoir; B) Barnes Creek and C) Barnes Spring

Tributary to: Lost River

Source Type: A) Reservoir; B) Stream and C) Spring

Diversion Point Location: A) NW1/4 SW1/4, Section 17; B) (1)(2)(3) NW1/4 NW1/4, Section 20; (3)(a) NW1/4 SE1/4, Section 19; (4) SE1/4 SW1/4, Section 19; C) NE1/4 NW1/4, Section 20, all T38S R14E W.M.

Use: A) Irrigation; B) Irrigation; C) Domestic and Stock

Date of Initiation: A) 1890; B) November 21, 1898 and June 26, 1886; C) December 26, 1891

Place of Use Location: Irrigation: 2.1 acres NE1/4 NE1/4, 25.1 acres SE1/4 NE1/4, 5.1 acres SE1/4 SW1/4, 15.8 acres NE1/4 SE1/4, 15.6 acres SW1/4 SE1/4, 8.6 acres SE1/4 SE1/4, Section 19; 13.3 acres NW1/4 NW1/4, 35.2 acres SW1/4 NW1/4, 18.5 acres NW1/4 SW1/4, 4.0 acres SW1/4 SW1/4, Section 20; 29.4 acres NW1/4 NE1/4, 35.5 acres SW1/4 NE1/4, 6.2 acres SE1/4 NE1/4, 14.9 acres NE1/4 NW1/4, 0.2 acre SE1/4 NW1/4, 4.0 acres NE1/4 SW1/4, 12.1 acres NE1/4 SE1/4, 31.7 acres NW1/4 SE1/4, 5.9 acres SW1/4 SE1/4, 19.4 acres SE1/4 SE1/4, Section 30; 2.5 acres NE1/4 NE1/4, Section 31, T38S R14E W.M. Total 305.1 acres.

Sub-Irrigation (Privilege Only): 1.2 acres NE1/4 SE1/4, Section 18; 3.6 acres NW1/4 SW1/4, Section 29; 3.2 acres NE1/4 SE1/4, Section 30, T38S R14E W.M. Total 8.0 acres.

Domestic: NW1/4 NW1/4, Section 20, T38S R14E W.M.

Stock: NW1/4 NW1/4, Section 20, T38S R14E W.M.

Water is stored in Wilson Lake Reservoir for irrigation. The first dam was constructed between 1890-1900. It was about four feet high and impounded about 98 acre-feet of stored water. In later years, the dam was raised to its present height with benefit of a water right permit issued by the State Engineer. The reservoir now has a total capacity of 552 acre-feet.

Water is diverted from Barnes Creek for irrigation on the meadow pastures. There is a total of five diversion points used in the flood irrigation system. All diversion points are at the beginning of ditches with varying dimensions.

A spring is the source of water used for domestic and stock. There is a concrete

spring box with three inch pipe changing to two inch pipe which delivers the water to one house and to troughs in the corral and barn.

This claimed right is limited to the following:

A) Wilson Lake Reservoir storage of 98 acre-feet for irrigation with a priority date of 1890, and the remaining storage of 454 acre-feet is hereby confirmed as described in water right certificate 38819 for irrigation with a priority date of September 9, 1964.

B) Barnes Creek natural flow diversion of not to exceed 1.53 cfs for irrigation with a priority date of November 21, 1898, for the following lands: 2.1 acres NE1/4 NE1/4, 25.1 acres SE1/4 NE1/4, 15.8 acres NE1/4 SE1/4, 8.6 acres SE1/4 SE1/4, Section 19; 13.3 acres NW1/4 NW1/4, 35.2 acres SW1/4 NW1/4, 18.5 acres NW1/4 SW1/4, 4.0 acres SW1/4 SW1/4, Section 20, T38S R14E W.M. Total 122.6 acres.

Barnes Creek natural flow diversion of not to exceed 2.28 cfs for irrigation with a priority date of June 26, 1886, for the following land: 5.1 acres SE1/4 SW1/4, 15.6 acres SW1/4 SE1/4, Section 19; 29.4 acres NW1/4 NE1/4, 35.5 acres SW1/4 NE1/4, 6.2 acres SE1/4 NE1/4, 14.9 acres NE1/4 NW1/4, 0.2 acre SE1/4 NW1/4, 4.0 acres NE1/4 SW1/4, 12.1 acres NE1/4 SE1/4, 31.7 acres NW1/4 SE1/4, 5.9 acres SW1/4 SE1/4, 19.4 acres SE1/4 SE1/4, Section 30; 2.5 acres NE1/4 NE1/4, Section 31, all T38S R14E W.M. Total 182.5 acres.

C) Spring diversion of not to exceed 0.005 cfs for domestic use and 0.01 cfs for stock use with a priority date of December 26, 1891.

The claimed right for sub-irrigation of the following acreage: 1.2 acres NE1/4 SE1/4, Section 18; 3.6 acres NW1/4 SW1/4, Section 29 and 3.2 acres NE1/4 SE1/4, Section 30, all T38S R14E W.M. will be allowed as a privilege. There is no artificial diversion of water. The sub-irrigation is a natural occurrence. Sub-irrigation does not meet all the requirements of an appropriative right. Therefore, this use, which is a benefit to the claimant, is hereby recognized and made a matter of record, as a privilege but is not an appropriative right subject to change in use, place of use, or point of diversion.

Claimant's rights are listed in the tabulation of water rights in Finding #72.

Proof #11

LIVINGSTON, Edward G.

County: Klamath

Basin Number: 14

Source: Casebeer Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: 1) SE1/4 SE1/4, Section 4 and 2) NE1/4 NE1/4, Section 9,
both T39S R14E

Use: Irrigation

Date of Initiation: 1891

Place of Use Location: 1.2 acres NE1/4 NE1/4, 3.6 acres SW1/4 NE1/4, 26.0 acres SE1/4
NE1/4, 21.9 acres NE1/4 SE1/4, 14.7 acres NW1/4 SE1/4, 7.0
acres SW1/4 SE1/4, 31.6 acres SE1/4 SE1/4, Section 9; 10.9
acres NE1/4 NE1/4, Section 16, all T39S R14E W.M. Total 116.9
acres.

Water is diverted from the Casebeer Creek at two sites. Diversion point #1 is a dirt and rock dam in the stream channel with water conveyed through an eight inch plastic flex pipe the first 80 feet then through an open dirt ditch. Diversion point #2 is a dirt and rock dam in the channel with water conveyed through an open dirt ditch. The water flood irrigates natural grass pasture used for livestock grazing.

This claimed right is limited to a rate of diversion of not to exceed 1.46 cubic feet per second from the Unnamed Stream for irrigation with a priority date of 1891. Claimant's rights are listed in the tabulation of water rights in Finding #72.

Proof #12

LIVINGSTON, Edward G.

County: Klamath

Basin Number: 14

Source: 1) unnamed spring and 2) unnamed stream

Tributary to: Lost River

Source Type: 1) Spring and 2) Stream

Diversion Point Location: 1) NE1/4 SW1/4, Section 20; and 2) NE1/4 SW1/4, Section
20, both T38S R14E

Use: Irrigation

Date of Initiation: October 15, 1887

Place of Use Location: 0.9 acre SE1/4 NW1/4, 21.1 acres NE1/4 SW1/4, Section 20, T38S
R14E, W.M. Total 22.0 acres.

Water is diverted from the unnamed spring at a spring box. It is conveyed through a four inch p.v.c. pipe that has replaced the original ditch system. A dirt and rock dam in the unnamed stream channel diverts water into a four inch p.v.c. pipe that has replaced the original ditch system. The water is used to flood irrigate the pasture.

This claimed right is limited to a rate of diversion of not to exceed 0.26 cfs from the unnamed spring and 0.015 cfs from the unnamed stream for irrigation with a priority date of October 15, 1887. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(54)

Proof #13

MEADOW LAKE INC.

County: Klamath

Basin Number: 14

Source: unnamed reservoirs

Tributary to: Lost River

Source Type: Reservoir

Diversion Point Location: 1) SW1/4 SW1/4, Section 28, T38S R10E; 2) NW1/4 NW1/4, Section 33, T38S R10E; 3) SW1/4 NW1/4, Section 33, T38S R10E; 4) Lot 4, Section 4, T39S R10E

Use: Stock water

Date of Initiation: 1892

Place of Use Location: 1) NW1/4 SW1/4, SW1/4 SW1/4, Section 28; 2) NW1/4 NW1/4; 3) SW1/4 NW1/4, Section 33, T38S R10E, W.M.; 4) Lot 4, Section 4, T39S R10E W.M.

Water is stored in four reservoirs on an intermittent stream channel. There is a total of 14.4 acre-feet stored. The stored water is used for livestock.

This claimed right is limited to storage of 14.4 acre-feet, being: 2.1 acre-feet in the reservoir within the SW1/4, Section 28; 1.2 acre-feet in the reservoir within the NW1/4 NW1/4, Section 33; 1.1 acre-feet in the reservoir within the SW1/4 NW1/4, Section 33, all T38S R10E and 10 acre-feet in the reservoir within Lot 4, Section 4, T39S R10E, for livestock use with a priority date of 1892. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(55)

Proof #14

MEADOW LAKE INC.

County: Klamath

Basin Number: 14

Source: unnamed drainage

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: 1) SW1/4 SW1/4, Section 28, T38S R10E; 2) NW1/4 NW1/4, Section 33, T38S R10E; 3) SW1/4 NW1/4, Section 33, T38S R10E; 4) Lot 4, Section 4, T39S R10E.

Use: Stock Water Storage

Date of Initiation: 1892

Place of Use Location: 1) NW1/4 SW1/4; SW1/4 SW1/4, Section 28, T38S R10E; 2) NW1/4 NW1/4, Section 33, T38S R10E; 3) SW1/4 NW1/4, Section 33, T38S R10E; 4) Lot 4, Section 4, T39S R10E.

Refer to text in Proof #13.

(56)

Proof #15

RITTER RANCH, INC.

County: Klamath

Basin Number: 14

Source: Wildhorse Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: NE1/4 SE1/4, Section 5, T38S R11E

Use: Storage

Date of Initiation: 1896

Place of Use Location: Reservoir: SW1/4 NW1/4, NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4, Section 4; and SE1/4 NE1/4, NE1/4 SE1/4, Section 5, all T38S R11E.

An earth dam 29.7 feet high was constructed on the channel of Wildhorse Creek. The reservoir stores 293 acre-feet of water during the winter and early spring months. The stored water is used for irrigation. There is an agreement by which the stored water is divided between two water users: Ritter Ranch, Inc. and Raymond Colahan - Kathleen Kamahaku. The agreement is that Ritter Ranch, Inc. gets one-third of the storage (maximum 97-2/3 acre-feet) and Colahan-Kamahaku gets two-thirds of the storage (maximum 195-1/3 acre-feet).

This claimed right is limited to storage of 97-2/3 acre-feet in Ritter Reservoir from Wildhorse Creek with a priority date of 1896. Claimant's rights are listed in the tabulation of water rights in Finding #72.

Proof #16

RITTER RANCH, INC.

County: Klamath

Basin Number: 14

Source: Ritter Reservoir

Tributary to: Lost River

Source Type: Stored Water

Diversion Point Location: NE1/4 SE1/4, Section 5, T38S R11E

Use: Irrigation

Date of Initiation: 1896

Place of Use Location: Irrigation: 26.8 acres Lot 3, 40.9 acres Lot 4, 34.1 acres SW1/4 NW1/4, 36.0 acres SE1/4 NW1/4, 13.6 acres NE1/4 SE1/4, 0.1 acre NW1/4 SE1/4, Section 5 and 40.8 acres Lot 1, 39.0 acres SE1/4 NE1/4, 5.0 acres NE1/4 SE1/4, Section 6, all T38S R11E, W.M. Total 236.3 acres.

Water stored in Ritter Reservoir was originally delivered through a ditch system to flood irrigate the following land: 0.3 acre SW1/4 NW1/4, 22.6 acres NE1/4 SW1/4, 5.2 acres NW1/4 SW1/4, 5.4 acres SE1/4 SW1/4, 9.1 acres NW1/4 SE1/4, 13.7 acres SW1/4 SE1/4, Section 5 and 1.1 acres NW1/4 NE1/4, Section 8, all T38S R11E W.M. This land is south of the channel of Wildhorse Creek. Claimant has indicated the place of use was changed about 20 years ago. The ditch system of flood irrigation is no longer used.

The system now in use sprinkle irrigates the land listed under "Place of Use Location" above. This land is north of the channel of Wildhorse Creek. Stored water in Ritter Reservoir is conveyed in the channel of Wildhorse Creek to two pump sites. Water from two wells is also conveyed in the channel of Wildhorse Creek to the two pump sites. The stored water and ground water is commingled in the channel then pumped through the pipe system.

The place of use has increased in area. Claimant states in part, "The amount of water used from Ritter Reservoir to irrigate fields on the Ritter Ranch has not increased. The area irrigated has. The water from the reservoir is now combined with water from two wells and is pumped through irrigation pipes and sprinkled over a larger area. This system greatly decreases the loss from subbage and evaporation, making the use of this water much more economical." The area of use at present totals 236.6 acres and the original use was on 57.4 acres.

This claimed right is DENIED. There is no statutory authority to change the place of use of an undetermined claim to a vested water right.

Proof #17

SAGEHORN, Leo & Marie J.

County: Klamath

Basin Number: 14

Source: James Spring

Tributary to: Lost River

Source Type: Spring

Diversion Point Location: NE1/4 SW1/4, Section 27, T37S R13E W.M.

Use: Irrigation and Stock Water

Date of Initiation: 1903

Place of Use Location: Irrigation & Stockwater: 0.7 acre SW1/4 NE1/4, 10.6 acres NW1/4 SE1/4, Section 27, T37S R13E, W.M. Total 11.3 acres.

Water is diverted from James Spring with an earth dam and two ditches. The water is used to flood irrigate pasture and for livestock. The dam forms a small pond which livestock use, along with the ditches, for stock water.

This claimed right is limited to 0.14 cfs for irrigation and stock water from James Spring with a priority date of 1903. Claimant's rights are listed in the tabulation of water rights in Finding #72.

Proof #18

SAGEHORN, Leo & Marie J.

County: Klamath

Basin Number: 14

Source: Dry Prairie Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: SW1/4 NE1/4, Section 27, T37S R13E W.M.

Use: Irrigation and Stock Water

Date of Initiation: September 29, 1897

Place of Use Location: Irrigation & Stockwater: 8.2 acres SW1/4 NE1/4, 2.0 acres NE1/4 SE1/4, 9.5 acres NW1/4 SE1/4, 6.0 acres SW1/4 SE1/4, 11.9 acres SE1/4 SE1/4, Section 27; 16.8 acres NE1/4 NE1/4, 4.5 acres NW1/4 NE1/4, 15.5 acres SE1/4 NE1/4, 2.0 acres NE1/4 SE1/4, Section 34; 18.3 acres NW1/4 SW1/4, Section 35, T37S R13E W.M. Total 94.7 acres.

Water is diverted at an earth dam in the channel of Dry Prairie Creek. There is a ditch that goes south on the east side of the meadow. The ditch is used to flood

irrigate the pasture. There is a separate dike, below the end of the ditch, across the channel. Livestock use the ditch for stock water.

This claimed right is limited to 1.18 cfs for irrigation and stock water from Dry Prairie Creek with a priority date of September 29, 1897. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(60)

Proof #19

SAGEHORN, Leo & Marie J.

County: Klamath

Basin Number: 14

Source: Wilson Creek

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: Lot 3, Section 2, T38S R13E W.M.

Use: Irrigation and Stock Water

Date of Initiation: 1893

Place of Use Location: Irrigation & Stockwater: 9.0 acres Lot 3 (NE1/4 NW1/4), 1.6 acres SW1/4 NW1/4, 14.5 acres SE1/4 NW1/4, 9.1 acres NW1/4 SW1/4, Section 2, T38S R13E W.M. Total 34.2 acres.

Water is diverted at an earth dam in the channel of Wilson Creek. There is a ditch that goes southwest which is used to flood irrigate the pasture and livestock use the ditch for stock water.

This claimed right is limited to 0.43 cfs for irrigation and stock water from Wilson Creek with a priority date of 1893. Claimant's rights are listed in the tabulation of water rights in Finding #72.

(61)

Proof #20

TAYLOR, J. Boyd, Personal Representative of the Estate of Josephine Taylor, Deceased

County: Klamath and Lake

Basin Number: 14

Source: 1) Strawberry Reservoir; 2) Strawberry Creek; 3&5) Barnes Valley Creek (Bachelor Creek); and 4) unnamed draw

Tributary to: Lost River

Source Type: Stream and reservoir

Diversion Point Location: 1) Dam, SE1/4, Section 8, T40S R16E; 2) NE1/4 NW1/4, Section 5, T40S R16E; 3) SE1/4 NW1/4, Section 32, T39S R16E; 4) NW1/4 SE1/4, Section 31, T39S R16E; 5) NE1/4 NE1/4, Section 36, T39S R15E.

Use: Irrigation and Supplemental Irrigation

Date of Initiation: 1902

Place of Use Location: 1&2) Strawberry Creek and Strawberry Reservoir: 14.4 acres SW1/4 NW1/4, 20.5 acres SE1/4 NW1/4, 6.4 acres NE1/4 SW1/4, 10.5 acres SE1/4 SW1/4, Section 32, T39S R16E, W.M. Total 51.8 acres.

3) Barnes Valley Creek (Bachelor Creek): 6.7 acres NE1/4 NW1/4, 8.9 acres NW1/4 NW1/4, 11.6 acres SW1/4 NW1/4, 3.9 acres SE1/4 NW1/4, Section 32, T39S R16E, W.M. Total 31.1 acres.

1&5) Strawberry Reservoir & Barnes Valley Creek: 34.0 acres SW1/4 NE1/4, 22.7 acres SE1/4 NE1/4, 1.8 acres NE1/4 NW1/4, 19.9 acres Lot 1 (NW1/4 NW1/4), 33.0 acres Lot 2 (SW1/4 NW1/4), 38.3 acres SE1/4 NW1/4, Section 31, T39S R16E, W.M.; 10.1 acres SW1/4 NW1/4, 18.1 acres NW1/4 SW1/4, 38.7 acres SW1/4 SW1/4, 18.1 acres SE1/4 SW1/4, Section 24; 39.2 acres NE1/4 NW1/4, 40.0 acres NW1/4 NW1/4, 40.0 acres SW1/4 NW1/4, 39.1 acres SE1/4 NW1/4, 38.7 acres NE1/4 SW1/4, 36.1 acres NW1/4 SW1/4, 7.2 acres SW1/4 SW1/4, 38.6 acres SE1/4 SW1/4, 26.2 acres NW1/4 SE1/4, 40.0 acres SW1/4 SE1/4, Section 25; 33.1 acres NE1/4 NE1/4, 26.7 acres NW1/4 NE1/4, 6.6 acres SE1/4 NE1/4, 11.0 acres NE1/4 NW1/4, Section 36, T39S R15E, W.M. Total 657.2 acres.

4) unnamed draw Supplemental: 18.9 acres NE1/4 NE1/4, 6.5 acres SE1/4 NE1/4, Section 36, T39S R15E, W.M.; 1.8 acres NE1/4 NW1/4; 19.9 acres Lot 1 (NW1/4 NW1/4), 33.0 acres Lot 2 (SW1/4 NW1/4), 38.3 acres SE1/4 NW1/4, Section 31, T39S R16E, W.M. Total 118.4 acres.

There is an earth dam on the channel of Strawberry Creek which forms Strawberry Reservoir. Water right Application #6854, Permit R-461, Certificate #3893 was filed November 4, 1919, for storage of 1113.85 acre-feet. The stored water to be used for irrigation. A survey in 1961, by the Water Resources Department, found the storage capacity at 1689.2 acre-feet. A check in 1980 found no change. Stored water is conveyed down the channel of Strawberry Creek, diverted at dams and used for irrigation of meadow pasture.

The diversion dams on Strawberry Creek, Bachelor Creek, the unnamed draw and Barnes Valley Creek are all earth construction. Ditches at the dams are used to flood irrigate the meadow pasture. Natural flow and stored water are used.

This claimed right is limited to a rate of diversion of not to exceed 0.65 cfs from Strawberry Creek, 0.39 cfs from Bachelor Creek and 8.22 cfs from Barnes Valley Creek for irrigation with a priority date of 1902. This claimed right is limited to a rate of

diversion of not to exceed 1.48 cfs from the unnamed draw for supplemental irrigation with a priority date of 1902.

The United States Bureau of Reclamation filed with the Water Resources Director on April 18, 1988, a Statement of Contest against J. Boyd Taylor (Estate of Josephine Taylor) and on April 25, 1988, an Amended Statement of Contest against J. Boyd Taylor (Estate of Josephine Taylor) contesting claims under Proof #20 and Proof #21. Then on March 27, 1989, a Memorandum of Agreement between the U.S. Bureau of Reclamation and J. Boyd Taylor (Estate of Josephine Taylor) along with a letter signed by Kirk C. Rodgers, Project Manager, U.S.B.R., withdrawing the Statement of Contest filed with the Director.

Mr. Taylor agreed to modify the spillway at Strawberry Dam to by pass all storage in excess of 1114 acre-feet. The U.S. Bureau of Reclamation agreed to allow Mr. Taylor to store an additional 766 acre-feet if Gerber Reservoir is above 58,000 acre-feet on the first of March.

This claimed right is limited to 1114 acre-feet of stored water in Strawberry Reservoir for irrigation with a priority date of 1902.

Claimant's rights are listed in the tabulation of water rights in Finding #72.

(62)

Proof #21

TAYLOR, Boyd J., Personal Representative of the Estate of Josephine Taylor, Deceased

County: Klamath

Basin Number: 14

Source: 1) Oxbow Reservoir and; 2) Barnes Valley Creek

Tributary to: Lost River

Source Type: 1) Reservoir and; 2) Stream

Diversion Point Location: 1&2) NE1/4 NE1/4, Section 36, T39S R15E W.M.

Use: Irrigation

Date of Initiation: 1902

Place of Use Location: 1&2) 2.2 acres NE1/4 NE1/4, 2.0 acres SW1/4 NE1/4, 37.5 acres SE1/4 NE1/4, 35.0 acres NE1/4 SE1/4, 4.6 acres SW1/4 SE1/4, 39.8 acres SE1/4 SE1/4, Section 23; 40.0 acres NE1/4 NE1/4, 12.3 acres NW1/4 NE1/4, 10.5 acres SW1/4 NE1/4, 36.9 acres SE1/4 NE1/4, 23.3 acres NE1/4 SE1/4, Section 26, T39S R15E W.M.
Total 244.1 acres.

Oxbow Reservoir is formed by an earth dam off the channel of Barnes Valley Creek. It is filled by a ditch which diverts water from Barnes Valley Creek at an earth dam. Stored water is released through a 16 inch outlet pipe into an open ditch. The ditch is used to flood irrigate meadow pasture. The same earth dam in Barnes Valley Creek which diverts water to Oxbow Reservoir also diverts water into a ditch to flood irrigate the

meadow pasture. When natural flow is available in Barnes Valley Creek it is used for irrigation, and when necessary, stored water in Oxbow Reservoir is used for irrigation.

This claimed right is limited to a rate of diversion of not to exceed 3.05 cfs from Barnes Valley Creek for irrigation with a priority date of 1902.

This claimed right is limited to 290 acre-feet of stored water in Oxbow Reservoir for irrigation with a priority date of 1902.

Claimant's rights are listed in the tabulation of water rights in Finding #72.

(63)

Proof #22

USA, FREMONT NATIONAL FOREST

County: Klamath and Lake

Basin Number: 14

Source: Barnes Valley Creek Drainage

Tributary to: Lost River

Source Type: 18 Ponds (1 pond DENIED), 3 Reservoirs (1 Reservoir DENIED), 1 Spring, 1 Creek

Diversion Point Location: See List

Use: Fire control, road construction and maintenance

Date of Initiation: September 17, 1906

Place of Use Location: T38S R15E, T39S R15E, T39S R16E, T40S R15E, T40S R16E

There are 23 sites listed in this claim. They are scattered throughout the Barnes Valley Creek Drainage. These sites range from no development to private developments to U.S. Forest Service developments. The list follows:

<u>NAME</u>	<u>TWP</u>	<u>RNGE</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>AMOUNT OF USE (AF)</u>
Horsefly Pond	38S	14E	27	SE SE	0.1
Ed Pond	39S	15E	28	NE SW	0.1
Taylor Pond	39S	15E	29	NE SE	0.1
Tull Reservoir	39S	15E	27	SE SE	0.1
Tull Pond	39S	15E	27	SE NW	0.1
Arkansas Spring	39S	16E	7	NE SE	0.1
Arkansas Reservoir	39S	16E	8	NW SW	0.1 (DENIED)
Strawberry Creek	40S	16E	8	NE SE	1.0
Bear Pond	40S	15E	22	SE NE	0.3 (DENIED)
Duck Pond	40S	15E	22	SE NE	0.2 (Increased)
Cronin Reservoir	40S	15E	14	NW SW	2.0
unnamed pond	40S	15E	10	SE NW	0.1
Dear Pond	40S	15E	9	NE NW	0.3
Log Pond	40S	15E	5	NW NE	0.1

unnamed pond	39S	15E	32	SE SE	0.2
Buzzard Pond	40S	15E	1	SE SW	0.2
Union Pond	39S	15E	28	SE SW	0.3
Mud Spring Pond	40S	15E	15	NW NE	0.3
unnamed pond	39S	15E	28	SE SE	0.3
unnamed pond	40S	15E	10	NW SE	0.3
unnamed pond	40S	15E	22	NW NW	0.1
unnamed pond	40S	15E	14	SE NW	0.4
unnamed pond	40S	16E	8	NE SW	0.3

The Fremont National Forest claims the use of 0.1 acre-foot of water stored in Tull Reservoir for fire control, road construction and maintenance. The entire storage capacity of this reservoir is appropriated under water right certificate #8686 for irrigation. The claim for Tull Reservoir is approved.

The Fremont National Forest claims the use of 0.1 acre-foot of water stored in Arkansas Reservoir for fire control, road construction and maintenance. The entire storage capacity of this reservoir is claimed in this proceeding by E.L. and Mildred Garrett, Proof #7, for irrigation.

Competing claims to the use of the same stored water cannot be approved. The Fremont National Forest did not submit any evidence of permanent and sufficient interest in Arkansas Reservoir.

The claimed right for the use of 0.1 acre-foot in Arkansas Reservoir is DENIED. In the event of a forest fire, it is recognized that these and any other waters available may be used to fight the fire.

The claimed right to the use of 0.3 acre-foot of water from Bear Pond is DENIED. Field and aerial photography inspections show a single pond, Duck Pond, within the SE1/4 NE1/4, Section 22, T40S R15E.

The claimed right to the use of 0.2 acre-foot of water from Duck Pond is increased to 0.5 acre-foot of water, the effect of combining 0.3 acre-foot from Bear Pond claim and 0.2 acre-foot from Duck Pond claim. The stored water for fire control, road construction and maintenance has a priority date of September 17, 1906.

The claimed right to the use of:

Horsefly Pond	0.1 acre-foot	unnamed pond	0.2 acre-foot
Ed Pond	0.1 acre-foot	Buzzard Pond	0.2 acre-foot
Taylor Pond	0.1 acre-foot	Union Pond	0.3 acre-foot
Tull Pond	0.1 acre-foot	Mud Spring Pond	0.3 acre-foot
Arkansas Spring	0.1 acre-foot	Strawberry Creek	1.0 acre-foot
unnamed pond	0.3 acre-foot	Cronin Reservoir	2.0 acre-feet
unnamed pond	0.3 acre-foot	unnamed pond	0.1 acre-foot
unnamed pond	0.1 acre-foot	Dear Pond	0.3 acre-foot
unnamed pond	0.4 acre-foot	Log Pond	0.1 acre-foot
unnamed pond	0.3 acre-foot	Tull Reservoir	0.1 acre-foot

for fire control, road construction and maintenance with a priority date of September 17, 1906, is confirmed. Claimant's rights are listed in the tabulation of water rights in Findings #72.

Proof #23

USA, FREMONT NATIONAL FOREST

County: Klamath

Basin Number: 14

Source: Barnes Creek

Tributary to: Lost River

Source Type: 3 Ponds, 1 Reservoir (DENIED), 1 Spring

Diversion Point Location: See List

Use: Fire control, road construction and maintenance

Date of Initiation: September 17, 1906

Place of Use Location: T38S R13E, T38S R14E

There are five sites listed in this claim. They are on the west slope of Horsefly Mountain. The list follows:

<u>NAME</u>	<u>TWP</u>	<u>RNGE</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>AMOUNT OF USE (AF)</u>
Lookout Pond	38S	14E	21	SW NE	0.1
Henry's Pond	38S	14E	28	SW NE	0.1
J Spring	38S	14E	33	NW SW	0.2
Wilson Pond	38S	14E	17	NE SE	0.1
Wilson Lake Res.	38S	14E	17	SE NW	0.1 (DENIED)

The Fremont National Forest claims the use of 0.1 acre-foot of stored water in Wilson Lake Reservoir for fire control, road construction and maintenance. The entire storage capacity of this reservoir is claimed in this proceeding by Mariam W. Gerber, Sylvia Gerber Bruce and Max H. Bruce, Proof #10, for irrigation.

Competing claims to the use of the same stored water cannot be approved. The Fremont National Forest did not submit any evidence of permanent and sufficient interest in Wilson Lake Reservoir.

The claimed right for the use of 0.1 acre-foot in Wilson Lake Reservoir is DENIED. In the event of a forest fire, it is recognized that this and any other waters available may be used to fight the fire.

The claimed right to the use of:

Lookout Pond	0.1 acre-foot	J Spring	0.2 acre-foot
Henry's Pond	0.1 acre-foot	Wilson Pond	0.1 acre-foot

for fire control, road construction and maintenance with a priority date of September 17, 1906 is confirmed. Claimant's rights are listed in the tabulation of water rights in Findings #72.

Proof #24

USA, FREMONT NATIONAL FOREST

County: Klamath and Lake

Basin Number: 14

Source: Rock Creek

Tributary to: Lost River

Source Type: 6 Ponds, 1 Stream

Diversion Point Location: See List

Use: Fire control, road construction and maintenance

Date of Initiation: September 17, 1906

Place of Use Location: T40S R16E, T41S R15E, T41S R16E

There are seven sites listed in this claim. All of the developments were made by the claimant. The list follows:

<u>NAME</u>	<u>TWP</u>	<u>RNGE</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>AMOUNT OF USE (AF)</u>
Pit Tank #1	41S	15E	21	Lot 4 (NE SE)	0.5
Pit Tank #2	41S	15E	22	NE NE	0.5
Pit Tank #4	41S	15E	14	NE NW	0.1
Brushy Pond	41S	16E	5	SW NE	0.1
407 Ponds	40S	16E	32	SW SE	0.1
Antler Pond	40S	16E	31	SE NW	0.3
unnamed stream pond	41S	16E	6	Lot 2 (NW NE)	0.3

This claimed right is limited to the quantities of water listed for fire control, road construction and maintenance with a priority date of September 17, 1906. Claimant's rights are listed in the tabulation of water rights in Findings #72.

Proof #25

USA, FREMONT NATIONAL FOREST

County: Klamath and Lake

Basin Number: 14

Source: North Fork Willow Creek

Tributary to: Lost River

Source Type: 6 Ponds, 1 Stream

Diversion Point Location: See List

Use: Fire control, road construction and maintenance

Date of Initiation: September 17, 1906

Place of Use Location: T40S R16E, T40S R17E, T41S R16E, T41S R17E

There are seven sites listed in this claim. All of the developments were made by the claimant. The list follows:

<u>NAME</u>	<u>TWP</u>	<u>RNGE</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>AMOUNT OF USE (AF)</u>
Pit Tank Pond #3	41S	15E	23	NE NE	0.5
Willow Camp Pond	41S	16E	7	SW NE	1.0
Triple Spring Pond	41S	16E	21	Lot 4 (NE SE)	1.0
Castle Pond	41S	17E	7	SE SE	0.3
Onion Pond	41S	17E	7	SW NE	0.1
Wildhorse Pond	41S	16E	6	SE NE	0.1
unnamed stream (Diversion Point)	41S	17E	7	SW NE	0.3

This claimed right is limited to the quantities of water listed for fire control, road construction and maintenance with a priority date of September 17, 1906. Claimant's rights are listed in the tabulation of water rights in Findings #72.

(67)

Proof #26

USA, FREMONT NATIONAL FOREST

County: Klamath

Basin Number: 14

Source: Miller Creek

Tributary to: Lost River

Source Type: 4 Ponds, 2 Reservoirs

Diversion Point Location: See List

Use: Fire control, road construction and maintenance

Date of Initiation: September 17, 1906

Place of Use Location: T38S R12E, T39S R12E, T39S R13E

There are six sites listed in this claim. All of the developments were made by the claimant. The list follows:

<u>NAME</u>	<u>TWP</u>	<u>RNGE</u>	<u>SEC.</u>	<u>1/4 1/4</u>	<u>AMOUNT OF USE (AF)</u>
Noble Pond	39S	13E	17	SE NE	0.1
Harbison Spring	39S	13E	20	SE NE	0.1
Goodlow Pond	39S	13E	21	SW NW	0.1
Pankey Lake Sump	39S	13E	7	SE SE	0.1
Pankey Reservoir	39S	13E	21	SW SE	0.5
Stewart Reservoir	39S	12E	12	SW SE	0.1

This claimed right is limited to the quantities of water listed for fire control,

road construction and maintenance with a priority date of September 17, 1906. Claimant's rights are listed in the tabulation of water rights in Findings #72.

(68)

Proof #27

WILSON, Marlin D. & Rosa F.

County: Klamath

Basin Number: 14

Source: 1) Cruikshank Creek, 2) Calico Spring Creek and 3)&4) unnamed stream

Tributary to: Lost River

Source Type: Stream

Diversion Point Location: 1) SE1/4 NE1/4, Section 6; 2) SE1/4 NE1/4, Section 6; 3) SE1/4 NE1/4, Section 5; 4) Lot 5, Lot 6, and SE1/4 NE1/4, Section 5, all T37S R11-1/2E

Use: 1) Stock watering; 2) Stock watering; 3) Domestic; 4) Irrigation and Stock watering

Date of Initiation: All uses, October 14, 1864

Place of Use Location: 1) SE1/4 NE1/4, Section 6 (stock); 2) SE1/4 NE1/4, Section 6, (Stock); 3) SE1/4 NE1/4, Section 5, (Domestic); 4) 2.0 acres Lot 5, 5.3 acres Lot 6, 1.5 acres SE1/4 NE1/4, Section 5 (Irrigation and Stock watering); all T37S R11-1/2E W.M.

Claimant's Statement and Proof of Claim was filed with the Water Resources Department on June 17, 1982. The fees required under ORS 539.080 were paid. A letter dated February 17, 1988, and an amendment to the Statement and Proof of Claim was received by the Water Resources Department on February 19, 1988. Fees were paid to cover the additional water use described in the amendment. The letter included a written protest as to the claimant being required to pay the fees.

Mr. Marlin Wilson is a member of the Klamath Indian Tribe. The property involved in this claim is within the boundaries of the terminated Klamath Indian Reservation.

Mr. Wilson bought a portion of the property from his uncle, Edison Tupper (deceased), a Klamath Indian. Mr. Tupper received a fee simple patent to the property from the United States. The land description is Lot 1, Lot 2 and SE1/4 NE1/4, Section 6, T37S R11-1/2E W.M.

Mr. Wilson included another parcel of land in his claim. The description is: W1/2 W1/2 SW1/4, Section 33, T36S R10E, W.M. and Lot 5, Lot 8, Lot 9, N1/2 Lot 6, N1/2 Lot 7 and N1/2 Lot 10 all Section 5, T37S R11-1/2E W.M. and a portion of the NW1/4 SW1/4 NW1/4, Section 4 and 6.5 acres being a portion of the S1/2 Lot 6 and the NE1/4 SE1/4 NE1/4, Section 5, T37S R11-1/2E (See Attachment 2 page 1 of statement and proof of claim for metes and bounds description). It appears that all of this parcel, with the exception of the 6.5 acre tract, was allotted to a Klamath Indian. Title to the 6.5

acre tract was acquired by Mr. Wilson through an Interchange Deed with the United States of America, Department of Agriculture, Forest Service. It appears Mr. Wilson transferred title of a portion of the property in Section 5 to the U.S. Forest Service. A copy of a map showing "Wilson to U.S. Forest Service 6.4 acres" and "U.S. Forest Service to Wilson 6.5 acres" was submitted as evidence with Mr. Wilson's claim. A copy of a "Small Tract Application" signed by Mr. Wilson proposing to transfer the 6.4 acres for 6.5 acres of U.S. Forest Service land was submitted as evidence with Mr. Wilson's claim. A copy of a preliminary title insurance report covering Mr. Wilson's 6.4 acres was submitted as evidence with Mr. Wilson's claim. It appears that Mr. Wilson transferred title to 6.4 acres located on the west side of Lot 9 and 10, Section 5, T37S, R11-1/2E, which is the westerly portion of "Parcel 2" as described by letter dated April 21, 1989, to the Water Resources Department from Sande Schmidt, Attorney, representative of Native American Program, Oregon Legal Services Corporation, Mr. Wilson's representative.

It is recognized that Mr. Marlin Wilson possesses Federal Indian Reserved Water Rights. It is the intention of the Water Resources Department to quantify those rights in this proceeding.

Mr. Wilson's claim to a water right of "time immemorial for hunting, fishing and gathering purposes" along with his claim of "a right to use water for protection and maintenance of hunting, fish and gathering rights" is DENIED. The United States Court of Appeals, Ninth Circuit, in United States vs. Adair decided November 15, 1983, refers numerous times to the "Klamath Tribe" or "Tribe" water rights for hunting and fishing. The water rights for hunting and fishing belong to the Tribe. In a letter dated April 21, 1989, by Sande Schmidt, agent for Marlin and Rosa Wilson, she says, "Since the law is now clear that the Klamath Tribe can assert and protect this water right, there is no need for the Wilsons to pursue the protective claim filed in 1982." The question of hunting, fishing and gathering rights is not an issue in this determination.

Mr. Wilson's claim to a water right for future mining is DENIED. A water right for future mining was not reserved by the Federal Government to the Klamath Tribe when the Klamath Indian Reservation was created.

Domestic

Mr. Wilson has a cabin on his property. It is located within the following legal description:

T. 37 S., R. 11-1/2 E., W.M.

Sections 4 and 5; portion of the NW1/4 SW1/4 NW1/4 of Section 4 and portion of the S1/2 of Lot 6 and the NE1/4 SE1/4 NE1/4 of Section 5 described as follows:

Beginning at the northeast corner of the S1/2 Government Lot 6, Section 5, T. 37 S., R. 11-1/2 E., W.M., thence South 00 degrees 12' 48" West 662.08 feet to the N1/16 corner of said Section 5; thence South 00 degrees 19' 19" East 176.61 feet; thence South 02 degrees 54' 02" East 111.41 feet; thence South 18 degrees 17' 12" West 233.71 feet; thence South 89 degrees 54' 11" West 131.43 feet; thence North 71 degrees 28' 32" West 213.27 feet to a point on the easterly right-of-way of the Oregon, California, and Eastern Railroad; thence northeasterly along the easterly right-of-way line of said Oregon,

California, and Eastern Railroad to a point on the north line of the S1/2 of Government Lot 6; thence South 89 degrees 30' 38" East 176.75 feet to the point of beginning.

Title to this property was acquired through a deed interchange agreement. The evidence submitted on title chain is incomplete but it appears that Mr. Wilson traded 6.4 acres of his deeded property for the above described property. Mr. Wilson uses water from an unnamed stream in the cabin. A bucket is used to carry water from the stream to the cabin for domestic use within the cabin.

This claimed right is limited to 0.001 cfs, up to 1/2 acre-foot per year for domestic use within the cabin from the unnamed stream with a priority date of October 14, 1864. Claimant's rights are listed in the tabulation of water rights in Finding #72.

Stock Watering

In the past, Mr. Wilson has used his property for stock grazing. He has indicated he runs up to 50 head of cattle. There are two sources of surface water on his parcel in Section 6 and one source of surface water on his parcel in Section 5, all of which he uses for stock watering.

Cruikshank Creek, tributary to Buck Creek, is used for stock watering within the SE1/4 NE1/4, Section 6. There is a dam in the channel used as the diversion point. This claimed right is limited to 0.01 cfs for stock watering from Cruikshank Creek with a priority date of October 14, 1864.

Calico Spring Creek, tributary to Buck Creek, is used for stock watering within the SE1/4 NE1/4, Section 6. There is a dam in the channel used as the diversion point. The dam forms a stock pond which stores water. This claimed right is limited to 0.4 acre-foot stored water and 0.01 cfs for stock watering from Calico Spring Creek with a priority date of October 14, 1864.

An unnamed stream, tributary to Buck Creek, is used for stock watering within Lot 5, Lot 6 and the SE1/4 NE1/4, all in Section 5. This use is coincident with the irrigation use and is included with that part of the claim.

Claimant's rights are listed in the tabulation of water rights in Finding #72.

Irrigation

There is a total of 8.8 acres of Mr. Wilson's property, within the NE1/4, Section 5, east of the O.C. & E. Railroad right-of-way that is irrigated. An unnamed stream crosses his property and spreader dams or dikes have been built to slow the water flow, flood the meadow grasses and irrigate the pasture. The livestock on this property go to the channel to water. The stock watering is coincident with the irrigation. This claimed right is limited to 0.11 cfs for irrigation and stock watering from the unnamed stream with a priority date of October 14, 1864. Claimant's rights are listed in the tabulation of water rights in Finding #72.

Reserved Water Rights Claim

[Practicably Irrigable Acreage, (PIA)]

The original Statement and Proof of Claim filed by Mr. Wilson's agent on June 17, 1982 listed 30 acres within the SE1/4 NE1/4, Section 6, T37S, R11-1/2E as practicably irrigable acres (PIA). An amendment was filed on February 19, 1988 adding 15 practicably irrigable acres to Mr. Wilson's claim. The location being 8 acres within the NE1/4 NE1/4 and 7 acres within the SE1/4 NE1/4, both in Section 5, T37S, R11-1/2E. On April 21, 1989, additional evidence was submitted to the Water Resources Department which included Attachment J RESERVED RIGHT WATER CLAIM WILSON PROPERTY. This PIA report was prepared by Ron Bliesner of Keller-Bliesner Engineering of Logan, Utah.

It appears the report is preliminary and a review raises questions about its conclusiveness. It is possible following a field inspection of the Wilson property by the engineer that the following problems will be remedied.

The source of water suggested as being the best is Cruikshank Creek. This is based on one discharge measurement made during an above average water year, 1982, as shown by published hydrological data. Evidence gathered in this proceeding during the hearing of contest by Ritter vs. Colohan also shows that year as an above average water year. During the field inspection of the Wilson property by the Adjudication Field Supervisor, Mr. Wilson said that the creek usually dries up during the summer. It is very likely that any proposed irrigation system will require stored water to have an adequate amount of water available throughout the irrigation season.

It is suggested that Christmas trees would be the crop produced. Christmas tree production is not compatible with livestock production. Land put into Christmas trees would be lost to livestock grazing and would diminish the herd size.

The Christmas Tree Budget Summary suggests the varieties of trees produced would be Douglas Fir, White Fir and Scotch Pine. The production costs listed appear to be low, the market value appears to be high, the interest rate appears to be low and the ability to harvest at this site was not addressed. This property is at about 4600' elevation which makes weather and road conditions subject to extremes at times. The area to be planted shown on the accompanying map is west of the O.C. & E Railroad right-of-way and at the present time is inaccessible to large trucks. Construction of an access crossing and road would be necessary but was not included in the budget summary. The area east of the O.C. & E. Railroad right-of-way is included in the irrigated pasture with the unnamed stream as the source.

It is recommended this claimed right be DENIED.

(69)

RIGHTS APPURTENANT TO LAND

See: Lost River tributary of Tule Lake, Final Decree, September 12, 1918, Section VII.

(70)

DOMESTIC AND STOCK USE

See: Lost River tributary of Tule Lake, Final Decree, September 12, 1918, Section VIII.

(71)

DUTY OF WATER AND IRRIGATION SEASON

See: Lost River tributary of Tule Lake, Final Decree, September 12, 1918, Section VIII.

(72)

ORDER OF DETERMINATION

To summarize and supplement the specific findings herein, the rights of the claimants to the use of the waters of Lost River and its tributaries as determined herein, are arranged in tabulated form, with the date of relative priority of such appropriation, the quantity or rate of flow of the water allowed such appropriator, the number of acres to be irrigated by such appropriation, the use or uses to which such water is applied, the means by which the water so appropriated has been diverted, the name of the stream or other source from which the water is appropriated and diverted, and the description of the lands upon which the water has been used and is fixed as appurtenant; the tabulated right of each appropriator being set opposite and following his name and post office address, as stated in his statement and proof of claim as follows:

0160j

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
CIRCLE FIVE RANCH INC. Louis Randall, President Rt. 1, Box 69A Bonanza, OR 97623 (Proof #1) (Finding #42)	1902	217 ac-ft	144.6	Irrigation	Dam	unnamed creek (Little Squaw Flat)	1.5 acres SW1/4 NW1/4 1.4 acres NW1/4 SW1/4 Section 3 11.2 acres SE1/4 NE1/4 4.6 acres NE1/4 SW1/4 4.5 acres SE1/4 SW1/4 31.7 acres NE1/4 SE1/4 15.5 acres NW1/4 SE1/4 21.7 acres SW1/4 SE1/4 33.6 acres SE1/4 SE1/4 Section 4 10.9 acres NE1/4 NE1/4 7.2 acres NW1/4 NE1/4 0.8 acre NE1/4 NW1/4 Section 9 T. 39 S. R. 15 E., W.M.
FITZHUGH, Paul 511 N. 38th St. Yakima, WA 98901 (Proof #5) (Finding #46)	1905	14.2 ac-ft		Stock	Dam	Stock Reservoir	SE1/4 NW1/4 NE1/4 SW1/4 NW1/4 SE1/4 Section 10 T. 39 S. R. 13 E., W.M.
	1905	180 ac-ft		Stock	Dam	DeVaul Lake	SW1/4 SE1/4 SE1/4 SE1/4 Section 10 NE1/4 NE1/4 NW1/4 NE1/4 SE1/4 NE1/4 Section 15 T. 39 S. R. 13 E., W.M.
GARREN, Arthur A. P.O. Box 278 Bonanza, OR 97623 (Proof #6) (Finding #47)	Mar. 1899	0.01		Livestock	Pump	Wildhorse Creek	SW1/4 NE1/4 NW1/4 SE1/4 Section 6 T. 38 S. R. 11 E., W.M.
GARRETT, E.L. & Mildred Rt. 6, Box 710 Lakeview, OR 97630 (Proof #7) (Finding #48)	1902	7.11	568.7	Irrigation	Ditch	Lapham Creek,	5.7 acres SW1/4 NE1/4 18.9 acres SE1/4 NE1/4
	1902	112 ac-ft	568.7	Irrigation	Dam	& Arkansas Reservoir	0.2 acre SE1/4 NW1/4 25.9 acres NE1/4 SW1/4 3.4 acres NW1/4 SW1/4 28.6 acres SW1/4 SW1/4 27.5 acres SE1/4 SW1/4 21.8 acres NE1/4 SE1/4 39.4 acres NW1/4 SE1/4 7.3 acres SW1/4 SE1/4 Section 13 10.3 acres SW1/4 NW1/4 11.9 acres SE1/4 NW1/4 40.0 acres NE1/4 SW1/4 38.5 acres NW1/4 SW1/4 22.6 acres SW1/4 SW1/4

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
							38.7 acres SE1/4 SW1/4 0.4 acre NE1/4 SE1/4 25.7 acres NW1/4 SE1/4 40.0 acres SW1/4 SE1/4 29.5 acres SE1/4 SE1/4 Section 14 28.0 acres NE1/4 SE1/4 0.1 acre NW1/4 SE1/4 14.8 acres SW1/4 SE1/4 31.9 acres SE1/4 SE1/4 Section 15 2.1 acres NE1/4 NE1/4 29.2 acres NW1/4 NE1/4 3.6 acres NE1/4 NW1/4 Section 23 T. 39 S. R. 15 E., W.M. 16.0 acres SW1/4 NW1/4 6.7 acres NW1/4 SW1/4 Section 18 T. 39 S. R. 16 E., W.M.
GARRETT, E. L. & Mildred Rt. 6, Box 710 Lakeview, OR 97630 (Proof #8) (Finding #49)	1902	329 ac-ft	131.5	Irrigation	Ditch	Barnes Valley Creek	7.5 acres SE1/4 NE1/4 Section 20 16.8 acres SE1/4 NE1/4 24.9 acres SW1/4 NW1/4 14.6 acres SE1/4 NW1/4 8.5 acres NE1/4 SW1/4 26.4 acres NE1/4 SE1/4 32.8 acres NW1/4 SE1/4 Section 21 T. 39 S. R. 15 E., W.M.
GERBER, Mariam W. Rt. 1, Box 62A Bonanza, OR 97623 (Proof #9) (Finding #50)	Oct. 12 1899	107 ac-ft	42.8	Irrigation	Dam	Long Branch Creek	3.6 acres SW1/4 NW1/4 6.4 acres SE1/4 NW1/4 4.3 acres NE1/4 SW1/4 8.9 acres NW1/4 SE1/4 8.1 acres SW1/4 SE1/4 0.5 acre SE1/4 SE1/4 Section 1 10.0 acres NE1/4 NE1/4 1.0 acre NW1/4 NE1/4 Section 12 T. 39 S. R. 14 E., W.M.
GERBER, Mariam W.; BRUCE, Sylvia Gerber; BRUCE, Max H. Rt. 1, Box 62A Bonanza, OR 97623 (Proof #10) (Finding #51)	1890	98	305.1	Irrigation	Dam	Wilson Lake Reservoir	2.1 acres NE1/4 NE1/4 25.1 acres SE1/4 NE1/4 5.1 acres SE1/4 SW1/4 15.8 acres NE1/4 SE1/4 15.6 acres SW1/4 SE1/4 8.6 acres SE1/4 SE1/4 Section 19

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
							13.3 acres NW1/4 NW1/4 35.2 acres SW1/4 NW1/4 18.5 acres NW1/4 SW1/4 4.0 acres SW1/4 SW1/4 Section 20 29.4 acres NW1/4 NE1/4 35.5 acres SW1/4 NE1/4 6.2 acres SE1/4 NE1/4 14.9 acres NE1/4 NW1/4 0.2 acre SE1/4 NW1/4 4.0 acres NE1/4 SW1/4 12.1 acres NE1/4 SE1/4 31.7 acres NW1/4 SE1/4 5.9 acres SW1/4 SE1/4 19.4 acres SE1/4 SE1/4 Section 30 2.5 acres NE1/4 NE1/4 Section 31 T. 38 S. R 14 E., W.M.
	Nov. 21 1898	1.53	122.6	Irrigation	Ditch	Barnes Creek	2.1 acres NE1/4 NE1/4 25.1 acres SE1/4 NE1/4 15.8 acres NE1/4 SE1/4 8.6 acres SE1/4 SE1/4 Section 19 13.3 acres NW1/4 NW1/4 35.2 acres SW1/4 NW1/4 18.5 acres NW1/4 SW1/4 4.0 acres SW1/4 SW1/4 Section 20 T. 38 S., R. 14 E., W.M.
	Jun. 26 1886	2.28	182.5	Irrigation	Ditch	Barnes Creek	5.1 acres SE1/4 SW1/4 15.6 acres SW1/4 SE1/4 Section 19 29.4 acres NW1/4 NE1/4 35.5 acres SW1/4 NE1/4 6.2 acres SE1/4 NE1/4 14.9 acres NE1/4 NW1/4 0.2 acre SE1/4 NW1/4 4.0 acres NE1/4 SW1/4 12.1 acres NE1/4 SE1/4 31.7 acres NW1/4 SE1/4 5.9 acres SW1/4 SE1/4 19.4 acres SE1/4 SE1/4 Section 30 2.5 acres NE1/4 NE1/4 Section 31 T. 38 S. R 14 E., W.M.
	None	None	1.2	Sub- Irrigation	None		1.2 acres NE1/4 SE1/4 Section 18
	None	None	3.6	Sub- Irrigation	None		3.6 acres NW1/4 SW1/4 Section 29
	None	None	3.2	Sub- Irrigation	None		3.2 acres NE1/4 SE1/4 Section 30 T. 38 S., R. 14 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
	Dec. 26 1891	0.005		Domestic	Pipe	Barnes Spring	NW1/4 NW1/4 Section 20 T. 38 S. R. 14 E., W.M.
	Dec. 26 1891	0.01		Stock	Pipe	Barnes Spring	NW1/4 NW1/4 Section 20 T. 38 S. R. 14 E., W.M.
LIVINGSTON, Edward G. P.O. Box 67 Bly, OR 97622 (Proof #11) (Finding #52)	1891	1.46	116.9	Irrigation	Ditch	Casebeer Creek	1.2 acres NE1/4 NE1/4 3.6 acres SW1/4 NE1/4 26.0 acres SE1/4 NE1/4 21.9 acres NE1/4 SE1/4 14.7 acres NW1/4 SE1/4 7.0 acres SW1/4 SE1/4 31.6 acres SE1/4 SE1/4 Section 9 10.9 acres NE1/4 NE1/4 Section 16 T. 39 S. R. 14 E., W.M.
LIVINGSTON, Edward G. P.O. Box 67 Bly, OR 97622 (Proof #12) (Finding #53)	Oct. 15 1887	0.26	20.8	Irrigation	Ditch/ Pipe	Unnamed Spring	0.9 acre SE1/4 NW1/4 19.9 acres NE1/4 SW1/4 Section 20
	Oct. 15 1887	0.015	1.2	Irrigation	Ditch/ Pipe	Unnamed Stream	1.2 acres NE1/4 SW1/4 Section 20 T. 38 S., R. 14 E., W.M.
MEADOW LAKE INC. P.O. Box 477 Klamath Falls, OR 97601 (Proof #13 & 14) (Finding #54 & #55)	1892	2.1 ac-ft		Stock water	Dam	Unnamed Reservoir	SW1/4 Section 28
	1892	1.2 ac-ft		Stock water	Dam	Unnamed Reservoir	NW1/4 NW1/4 Section 33
	1892	1.1 ac-ft		Stock water	Dam	Unnamed Reservoir	SW1/4 NW1/4 Section 33 T. 38 S., R. 10 E., W.M.
	1892	10.0 ac-ft		Stock water	Dam	Unnamed Reservoir	Lot 4 Section 4 T. 39 S. R. 10 E., W.M.
RITTER RANCH, INC. Rt. 1, Box 346 Bonanza, OR 97623 (Proof #15) (Finding #56)	1896	97-2/3 ac-ft		Storage	Ritter Reservoir	Wildhorse Creek	SW1/4 NW1/4 NW1/4 SW1/4 SW1/4 SW1/4 SE1/4 SW1/4 Section 4 SE1/4 NE1/4 NE1/4 SE1/4 Section 5 T. 38 S. R. 11 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
SAGEHORN, Leo & Marie J. P.O. Box 186 Ft. Bidwell, CA 96112 (Proof #17) (Finding #58)	1903	0.14	11.3	Irrigation & Stock water	Ditch	James Spring	0.7 acre SW1/4 NE1/4 10.6 acres NW1/4 SE1/4 Section 27 T. 37 S. R. 13 E., W.M.
SAGEHORN, Leo & Marie J. P.O. Box 186 Ft. Bidwell, CA 96112 (Proof #18) (Finding #59)	Sep. 29 1897	1.18	94.7	Irrigation & Stock water	Ditch	Dry Prairie Creek	8.2 acres SW1/4 NE1/4 2.0 acres NE1/4 SE1/4 9.5 acres NW1/4 SE1/4 6.0 acres SW1/4 SE1/4 11.9 acres SE1/4 SE1/4 Section 27 16.8 acres NE1/4 NE1/4 4.5 acres NW1/4 NE1/4 15.5 acres SE1/4 NE1/4 2.0 acres NE1/4 SE1/4 Section 34 18.3 acres NW1/4 SW1/4 Section 35 T. 37 S. R. 13 E., W.M.
SAGEHORN, Leo & Marie J. P.O. Box 186 Ft. Bidwell, CA 96112 (Proof #19) (Finding #60)	1893	0.43	34.2	Irrigation & Stock water	Ditch	Wilson Creek	9.0 acres Lot 3 1.6 acres SW1/4 NW1/4 14.5 acres SE1/4 NW1/4 9.1 acres NW1/4 SW1/4 Section 2 T. 38 S. R. 13 E., W.M.
TAYLOR, J. Boyd Personal Rep. of the Estate Josephine Taylor, Deceased Rt. 6, Box 5750 Lakeview, OR 97630 (Proof #20) (Finding #61)	1902 1902	0.65 0.39	51.8 31.1	Irrigation Irrigation	Ditch Ditch	Strawberry Creek Bachelor Creek	14.4 acres SW1/4 NW1/4 20.5 acres SE1/4 NW1/4 6.4 acres NE1/4 SW1/4 10.5 acres SE1/4 SW1/4 Section 32 T. 39 S. R. 16 E., W.M. 6.7 acres NE1/4 NW1/4 8.9 acres NW1/4 NW1/4 11.6 acres SW1/4 NW1/4 3.9 acres SE1/4 NW1/4 Section 32 T. 39 S. R. 16 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
	1902	8.22	657.2	Irrigation	Ditch	Barnes Valley Creek	34.0 acres SW1/4 NE1/4 22.7 acres SE1/4 NE1/4 1.8 acres NE1/4 NW1/4 19.9 acres Lot 1 33.0 acres Lot 2 38.3 acres SE1/4 NW1/4 Section 31 T. 39 S. R. 16 E., W.M. 10.1 acres SW1/4 NW1/4 18.1 acres NW1/4 SW1/4 38.7 acres SW1/4 SW1/4 18.1 acres SE1/4 SW1/4 Section 24 39.2 acres NE1/4 NW1/4 40.0 acres NW1/4 NW1/4 40.0 acres SW1/4 NW1/4 39.1 acres SE1/4 NW1/4 38.7 acres NE1/4 SW1/4 36.1 acres NW1/4 SW1/4 7.2 acres SW1/4 SW1/4 38.6 acres SE1/4 SW1/4 26.2 acres NW1/4 SE1/4 40.0 acres SW1/4 SE1/4 Section 25 33.1 acres NE1/4 NE1/4 26.7 acres NW1/4 NE1/4 6.6 acres SE1/4 NE1/4 11.0 acres NE1/4 NW1/4 Section 36 T. 39 S. R. 15 E., W.M.
	1902	1.48	118.4	Supplemental Irrigation	Ditch	Unnamed Draw	18.9 acres NE1/4 NE1/4 6.5 acres SE1/4 NE1/4 Section 36 T. 39 S. R. 15 E., W.M. 1.8 acres NE1/4 NW1/4 19.9 acres Lot 1 33.0 acres Lot 2 38.3 acres SE1/4 NW1/4 Section 31 T. 39 S. R. 16 E., W.M.
	1902	1114 ac-ft	709	Irrigation	Dam	Strawberry Reservoir	14.4 acres SW1/4 NW1/4 20.5 acres SE1/4 NW1/4 6.4 acres NE1/4 SW1/4 10.5 acres SE1/4 SW1/4 Section 32 T. 39 S., R. 16 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
							34.0 acres SW1/4 NE1/4 22.7 acres SE1/4 NE1/4 1.8 acres NE1/4 NW1/4 19.9 acres Lot 1 33.0 acres Lot 2 38.3 acres SE1/4 NW1/4 Section 31 T. 39 S. R. 16 E., W.M. 10.1 acres SW1/4 NW1/4 18.1 acres NW1/4 SW1/4 38.7 acres SW1/4 SW1/4 18.1 acres SE1/4 SW1/4 Section 24 39.2 acres NE1/4 NW1/4 40.0 acres NW1/4 NW1/4 40.0 acres SW1/4 NW1/4 39.1 acres SE1/4 NW1/4 38.7 acres NE1/4 SW1/4 36.1 acres NW1/4 SW1/4 7.2 acres SW1/4 SW1/4 38.6 acres SE1/4 SW1/4 26.2 acres NW1/4 SE1/4 40.0 acres SW1/4 SE1/4 Section 25 33.1 acres NE1/4 NE1/4 26.7 acres NW1/4 NE1/4 6.6 acres SE1/4 NE1/4 11.0 acres NE1/4 NW1/4 Section 36 T. 39 S. R. 15 E., W.M.
TAYLOR, Boyd J. Personal Rep. of the Estate of Josephine Taylor, Deceased Rt. 6, Box 5750 Lakeview, OR 97630 (Proof #21) (Finding #62)	1902	3.05	244.1	Irrigation	Ditch	Barnes Valley Creek	2.2 acres NE1/4 NE1/4 2.0 acres SW1/4 NE1/4 37.5 acres SE1/4 NE1/4 35.0 acres NE1/4 SE1/4 4.6 acres SW1/4 SE1/4 39.8 acres SE1/4 SE1/4 Section 23
	1902	290 ac-ft	244.1	Irrigation	Dam	Oxbow Reservoir	40.0 acres NE1/4 NE1/4 12.3 acres NW1/4 NE1/4 10.5 acres SW1/4 NE1/4 36.9 acres SE1/4 NE1/4 23.3 acres NE1/4 SE1/4 Section 26 T. 39 S. R. 15 E., W.M.
USA, FRENONT NATIONAL FOREST 524 N. "G" St. Lakeview, OR 97630 (Proof #22) (Finding #63)	Sep. 17 1906	Fire Control,	Road Construction and Maintenance				
		0.1 ac-ft				Horsefly Pond	SE1/4 SE1/4 Section 27 T. 38 S., R. 14 E., W.M.
		0.1 ac-ft				Ed Pond	NE1/4 SW1/4 Section 28
		0.1 ac-ft				Taylor Pond	NE1/4 SE1/4 Section 29

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
		0.1 ac-ft				Tull Reservoir	SE1/4 SE1/4 Section 27 T. 39 S., R. 15 E., W.M.
		0.1 ac-ft				Tull Pond	SE1/4 NW1/4 Section 27 T. 39 S., R. 15 E., W.M.
		0.1 ac-ft				Arkansas Spring	NE1/4 SE1/4 Section 7 T. 39 S., R. 16 E., W.M.
		0.3 ac-ft				Unnamed Pond	SE1/4 SE1/4 Section 28 T. 39 S., R. 15 E., W.M.
		0.3 ac-ft				Unnamed Pond	NW1/4 SE1/4 Section 10
		0.1 ac-ft				Unnamed Pond	NW1/4 NW1/4 Section 22
		0.4 ac-ft				Unnamed Pond	SE1/4 NW1/4 Section 14 T. 40 S., R. 15 E., W.M.
		0.3 ac-ft				Unnamed Pond	NE1/4 SW1/4 Section 8 T. 40 S., R. 16 E., W.M.
		0.2 ac-ft				Unnamed Pond	SE1/4 SE1/4 Section 32 T. 39 S., R. 15 E., W.M.
		0.2 ac-ft				Buzzard Pond	SE1/4 SW1/4 Section 1 T. 40 S., R. 15 E., W.M.
		0.3 ac-ft				Union Pond	SE1/4 SW1/4 Section 28 T. 39 S., R. 15 E., W.M.
		0.3 ac-ft				Mud Spring Pond	NW1/4 NE1/4 Section 15 T. 40 S., R. 15 E., W.M.
		1.0 ac-ft				Strawberry Creek	NE1/4 SE1/4 Section 8 T. 40 S., R. 16 E., W.M.
		2.0 ac-ft				Cronin Reservoir	NW1/4 SW1/4 Section 14
		0.1 ac-ft				Unnamed Pond	SE1/4 NW1/4 Section 10
		0.3 ac-ft				Dear Pond	NE1/4 NW1/4 Section 9
		0.1 ac-ft				Log Pond	NW1/4 NE1/4 Section 5
		0.5 ac-ft				Duck Pond	SE1/4 NE1/4 Section 22 T. 40 S., R. 15 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
USA, FREMONT NATIONAL FOREST 524 North "G" Street Lakeview, OR 97630 (Proof #23) (Finding #64)	Sep. 17 1906	Fire Control, 0.1 ac-ft 0.1 ac-ft 0.2 ac-ft 0.1 ac-ft		Road Construction and Maintenance		Lookout Pond Henry's Pond J Spring Wilson Pond	SW1/4 NE1/4 Section 21 SW1/4 NE1/4 Section 28 NW1/4 SW1/4 Section 33 NE1/4 SE1/4 Section 17 T. 38 S., R. 14 E., W.M.
USA, FREMONT NATIONAL FOREST 524 North "G" Street Lakeview, OR 97630 (Proof #24) (Finding #65)	Sep. 17 1906	Fire Control, 0.5 ac-ft 0.5 ac-ft 0.1 ac-ft 0.1 ac-ft 0.3 ac-ft 0.1 ac-ft 0.3 ac-ft		Road Construction and Maintenance		Pit Tank #1 Pit Tank #2 Pit Tank #4 407 Pond Antler Pond Brushy Pond Unnamed Stream Pond	Lot 4 Section 21 NE1/4 NE1/4 Section 22 NE1/4 NW1/4 Section 14 T. 41 S., R. 15 E., W.M. SW1/4 SE1/4 Section 32 SE1/4 NW1/4 Section 31 T. 40 S., R. 16 E., W.M. SW1/4 NE1/4 Section 5 Lot 2 Section 6 T. 41 S., R. 16 E., W.M.
USA, FREMONT NATIONAL FOREST 524 North "G" Street Lakeview, OR 97630 (Proof #25) (Finding #66)	Sep. 17 1906	Fire Control, 0.5 ac-ft 1.0 ac-ft 1.0 ac-ft 0.3 ac-ft 0.1 ac-ft 0.1 ac-ft 0.3 ac-ft		Road Construction and Maintenance		Pit Tank Pond #3 Willow Camp Pond Triple Spring Pond Castle Pond Onion Pond Wildhorse Pond Unnamed Stream (Div. Pt.)	NE1/4 NE1/4 Section 23 T. 41 S., R. 15 E., W.M. SW1/4 NE1/4 Section 7 Lot 4 Section 21 T. 41 S., R. 16 E., W.M. SE1/4 SE1/4 Section 7 SW1/4 NE1/4 Section 7 T. 41 S., R. 17 E., W.M. SE1/4 NE1/4 Section 6 T. 41 S., R. 16 E., W.M. SW1/4 NE1/4 Section 7 T. 41 S., R. 17 E., W.M.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use	
USA, FREMONT NATIONAL FOREST 524 North "G" Street Lakeview, OR 97630 (Proof #26) (Finding #67)	Sep. 17 1906	Fire Control,		Road Construction & Maintenance		Noble Pond	SE1/4 NE1/4 Section 17	
						Harbison Spring	SE1/4 NE1/4 Section 20	
						Goodlow Pond	SW1/4 NW1/4 Section 21	
						Pankey Lake Sump	SE1/4 SE1/4 Section 7	
						Pankey Reservoir	SW1/4 SE1/4 Section 21	
						T. 39 S., R. 13 E., W.M.		
							Stewart Reservoir	SW1/4 SE1/4 Section 12
						T. 39 S., R. 12 E., W.M.		
						WILSON, M.D. & Rosa F. P.O. Box 311 Sprague River, OR 97639 (Proof #27) (Finding #68)	Oct. 14 1864	0.005
Oct. 14 1864	0.01		Stock Watering	Pond	Cruikshank Creek		SE1/4 NE1/4 Section 6	
Oct. 14 1864	0.01		Stock Watering	Pond	Calico Spring Creek		SE1/4 NE1/4 Section 6	
Oct. 14 1864	0.11	8.8	Irrigation & Stock Watering	Dams	Unnamed		2.0 acres Lot 5 5.3 acres Lot 6 1.5 acres SE1/4 NE1/4 Section 5 T. 37 S., R. 11-1/2 E., W.M.	

The Water Resources Director of Oregon, hereby CONSIDERS AND ORDERS that the relative rights of the various claimants to the use of the waters of Lost River and its tributaries, be and the same are hereby determined and settled as set forth in the foregoing Supplemental Findings of Fact and Order of Determination.

Dated at Salem, Oregon, this 20th day of February 1990.

William H. Young

WILLIAM H. YOUNG, DIRECTOR
Water Resources Department



BY *[Signature]*
G. HART
Clerk of Court

Clerk of the Circuit Court of the County
A.D. 1923

FILED
STATE OF OREGON
CIRCUIT COURT
MAR 30 PM 3:31

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTIES OF KLAMATH AND WAGNER

3 IN THE MATTER OF THE)
4 SUPPLEMENTAL DETERMINATION OF)
5 THE RELATIVE RIGHTS TO THE USE)
6 OF THE WATERS OF THE LOST RIVER)
7 AND ITS TRIBUTARIES, AND)
8 TRIBUTARY TO TULE LAKE)
_____)

61-169E
61-170E BY _____
CLERK OF COURT
ORDER FOR LEAVE TO FILE
AMENDED DETERMINATION
ORDER FOR JUDGMENT
AFFIRMING AMENDED ORDER
OF DETERMINATION

9 This matter having come before this court on the motions dated
10 March 16, 1990, of the Water Resources Director (Director) by and
11 through his attorney, and the motions having been stipulated to by
12 the United States of America, by the U.S. Department of Agriculture,
13 Fremont National Forest, by and through its attorney and the
14 Supervisor of the Fremont National Forest, and the court having
15 reviewed the matter, and being fully advised;

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

17 1. Leave is granted to the Director to file the "Amended
18 Supplemental Findings of Fact and Order of Determination" dated
19 February 20, 1990. Specifically the amendments are:

20 a. Finding #63, Proof #22 (page 49-50). The claim for 0.1
21 acre-foot from Tull Reservoir for fire control, road construction
22 and maintenance with a priority date of September 17, 1906.

23 b. Finding #72, Order of Determination Tabulation for USA,
24 Fremont National Forest (Finding #63, Proof #22) amended to include:

25. ///
26 ///

Page 1 - ORDER FOR LEAVE TO FILE AMENDED DETERMINATION
ORDER AFFIRMING DIRECTOR'S AMENDED ORDER OF DETERMINATION

1
2 Amount Stream Description of Land or Place of Use
3 0.1 ac-ft Tull Reservoir SE1/4 SE1/4
4 Section 27
5 T. 39S., R. 15 E., W.M.

6
7 c. Finding #72, Order of Determination Tabulation for USA,
8 Fremont National Forest (Finding #67, Proof #26) with a date of
9 relative priority of September 17, 1906.

10
11 2. There being no outstanding exceptions or issues in this
12 matter, the hearing on this determination is concluded.

13
14 3. No costs or disbursements shall be awarded to any party.

15
16 4. The Director's "Amended Supplemental Findings of Fact and
17 Order of Determination" dated February 20, 1990, is affirmed and
18 final judgment and decree in the determination is hereby entered.

19 DATED this 30th day of March, 1990.

20
21
22 *Donald A. Piper*
23 _____
24 ~~Theodore D. Abram~~
25 Circuit Court Judge

26
27 Submitted by:
28 Gabriella I. Lang
29 Assistant Attorney General
30 Of Attorneys for Water Resources
31 Director for the State of Oregon

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35 GIL:tmt/1552H

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38
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40 Page 2 - ORDER FOR LEAVE TO FILE AMENDED DETERMINATION
 ORDER AFFIRMING DIRECTOR'S AMENDED ORDER OF DETERMINATION

STATE OF OREGON)
County of Clatsop)
Lynn G. Hardy, Clerk of the Circuit Court of the County of Clatsop
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court this 23rd day of April, A.D. 1922



Lynn G. Hardy
Clerk of Court

ATTORNEY GENERAL
SALEM, OREGON

APR 4 1922

RECEIVED