

Name Klamath Drain age District

By _____

Address 280 Main Street
Klamath Falls, Oregon 97601

Date filed 25 April 1977

Priority April 25, 1977

Action suspended until dur

Return to applicant _____

Date of approval SEP 5 1978

CONSTRUCTION
Date for beginning SEP 5 1979

Date for completion OCT 1 1980

Extended to _____

Date for application of water OCT 1 1981

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed completed

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

Application No. 55748

Permit No. 43334

Certificate No. _____

DVA Notification
Stream Index, Page No. 14-5

See map file D-16-2

FEES PAID

Date	Amount	Receipt No.
<u>4-25-77</u>	<u>20.00</u>	<u>59959</u>

<u>7-13-78</u>	<u>5,771.50</u>	<u>4838</u>
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Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

480.46⁴ - Klamath River - 1/2 of 19,234.3 acres



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8509

February 23, 1989

WILLIAM L. WALES, P.E.
CIVIL AND STRUCTURAL ENG.
4512 CLINTON AVENUE
KLAMATH FALLS, OR 97603-7429

Dear Mr. Wales,

RE: File 55748, Klamath Drainage District

It appears from your letter of 2/2/89 that I did not make myself clear regarding the concerns I had expressed about the application map for Permit 43334. I apologize. Certainly, we would not presume to question the sectional subdivisions developed by professionals such as yourself.

The acreage differences referred to in my letter were in regard to apparent differences in interpretations of beneficial use. Lands under roadways, canals, brush, rockpiles, etc. cannot be granted a water right since no beneficial use of water can occur there. Certainly there are grey areas subject to various interpretations while the Director's decision may be ultimately necessary. As I stated, the Klamath Adjudication maps are "preliminary", and subject to revisions.

Sincerely,

STEVEN P. APPLGATE
Manager
Survey/Mapping Section

SPA:wpc
0099W

REGISTERED:
OREGON
CALIFORNIA
NEVADA

WILLIAM L. WALES
CIVIL AND STRUCTURAL ENGINEER
4512 CLINTON AVENUE
KLAMATH FALLS, OREGON 97603-7429
February 2, 1989

TELEPHONE: 884-4739
AREA CODE: 503

RECEIVED

FEB - 6 1989

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Steven P. Applegate
Manager, Survey Section
Water Resources Department
3850 Portland Road, N.E.
Salem, OR 97310

Re: File No. 55748

Dear Mr. Applegate:

In reply to the last paragraph of your letter dated January 27, 1989, I am aware of the differences in acreages shown on your department's preliminary maps for the adjudication process and the acreages shown on the maps filed with the referenced application. The acreages shown on your maps are incorrect. I have discussed this matter with Don Knauer.

The acreages shown on the application maps were determined by actual field surveys conducted by, or under the immediate supervision of, my father or me -- both of us being Registered Professional Engineers. The acreages shown on the WRD adjudication maps were, I understand, determined by scaling from aerial photographs by Technicians and/or temporary employees.

The lands within the boundaries of the Klamath Drainage District were first sectionalized by "Protraction". I assume you are familiar with this and the reasons therefore.

The Oregon portion of Lower Klamath Lake was drained around 1910 as part of the development of the Klamath Project, U.S.B.R., and farming was commenced on large areas of the privately owned portions of the reclaimed Lower Klamath lakebed.

In 1935, at the request of the Klamath Drainage District, the Klamath County Surveyor performed a "Petitioned Survey" on most of the lakebed lands in T.40 S., R.9 E., W.M. A photocopy of the map for that survey is enclosed. Again, I assume you are familiar with "Petitioned Surveys".

In August, 1944, in a survey requested by both the Klamath Drainage District and the U. S. Government, and according to the instructions and procedures of the U. S. General Land Office (now BLM), Mr. H. M. Faulkner, a well-qualified engineer with the Bureau of Reclamation, made a survey of, and monumented, the township line between T.40 S., and T.41 S. I am enclosing a photocopy of the map for that survey. You will note that the "miles" along that line are 5348.6 feet long.

Mr. Steven P. Applegate
Water Resources Department

- 2 -

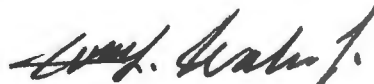
February 2, 1989

In 1952, the U. S. Bureau of Land Management made a "Dependent Resurvey" of the still publicly owned lands within the Klamath Drainage District and monumented the corners. In that survey, Mr. Thomas A. Tillman, cadastral engineer for the BLM accepted and based his surveys on the Faulkner Township Line monuments and certain other limitations mutually agreed upon by the United States and the Klamath Drainage District. I have copies of both the field notes and the final plats of that survey. If you do not, they are readily obtainable from the BLM.

As you can see, the acreages shown on the KDD waterright application maps were not hastily or casually determined. They have been accepted by both the private landowners and the United States as well as the Klamath County Assessor's and Klamath County Treasurer's offices. I do not feel they can be lightly dismissed and your department's aerial photograph acreages substituted in determining the acreages to be included in both the Klamath Drainage District's waterright Certificate and the Adjudication.

I have many field notes, files, and maps in connection with the above and feel that this "acreage" matter should be explored more thoroughly before the final waterright Certificate is prepared. I would appreciate the opportunity to discuss the matter further with the Water Resources Department. May I hear from you.

Very truly yours,

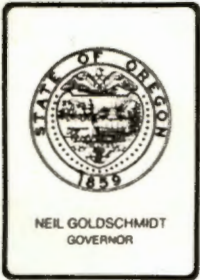


William L. Wales, P.E.

WLW/pf

Encl.

p.c. Klamath Drainage District *w/o Encl.*
p.c. Mr. Jack Liskey " "



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

January 27, 1989

William L. Wales, P.E.
4512 Clinton Avenue
Klamath Falls, OR 97603

REFERENCE: File 55748
Klamath Drainage District

Dear Mr. Wales,

Your letter of 1/16/89, regarding the Klamath Drainage District Permit 4334 has been received.

As you know, OAR 690-11-103 gives the permittee the option of waiting for this Department to complete the final proof survey or submitting proof with the assistance of a Certified Water Right Examiner. What you suggest sounds very reasonable, if that is the Districts' wish.

The lands involved are included in the Bureau of Reclamations claim in the Klamath Adjudication process. Water Resources has surveyed and mapped this area for that reason. I might point out that there appears to be some significant acreage differences between the preliminary maps prepared by our adjudication staff and the application map for permit 43334.

If you have any questions, please contact us.

STEVEN P. APPLGATE
Manager
Survey Section

cc: Klamath Drainage District
0006k

REGISTERED:
OREGON
CALIFORNIA
NEVADA

WILLIAM L. WALES
CIVIL AND STRUCTURAL ENGINEER
4512 CLINTON AVENUE
KLAMATH FALLS, OREGON 97603-7429
January 16, 1989

TELEPHONE: 884-4739
AREA CODE: 503

RECEIVED

JAN 18 1989

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

Re: Appl. # 55748

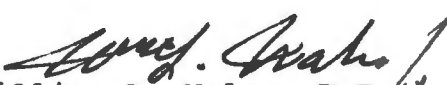
Gentlemen:

The lands included in the referenced water right application, Permit No. 43334, were fully irrigated at the time the application was submitted in April, 1977, and beneficial use is being made of the full quantity of water applied for. The Klamath Drainage District is desirous of receiving the Certificate for this water right.

The maps submitted with the application are based upon actual surveys made by me or under my direct supervision and the acreages listed thereon are considered the "official" acreages for the land by both the Klamath Drainage District and the Klamath County Assessor's office for taxing purposes.

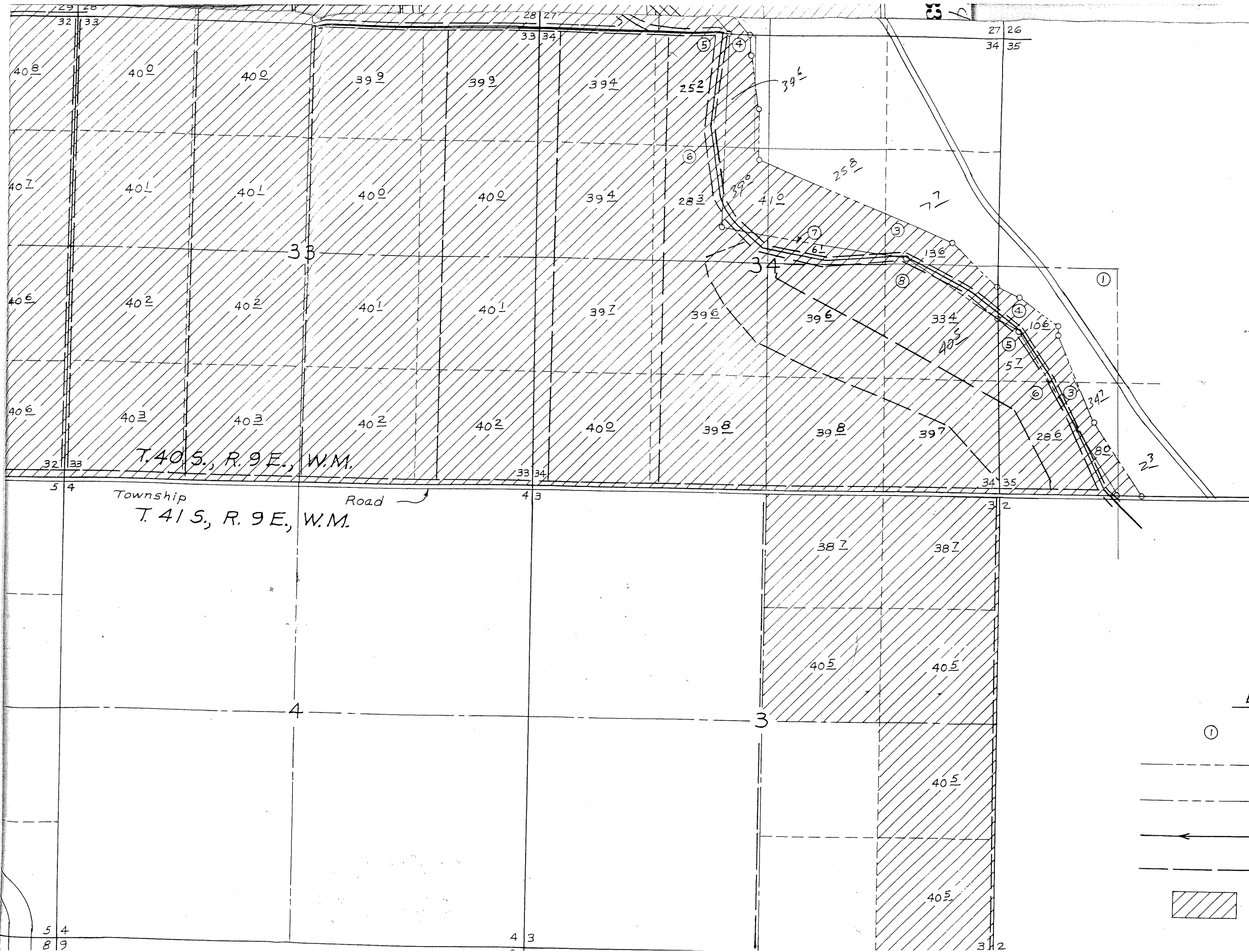
I propose that the Application Maps, and the acreages shown thereon, be used as the Final Proof Maps and the Certificate of Water Right be issued. I can add my Water Right Examiner's seal and a statement to the above effect if you will return the tracings to me for that purpose or I can sign and seal a document attesting to the above if you so desire. It would seem an unnecessary expense to require new maps to be prepared which would be duplicates of the application maps.

Very truly yours,

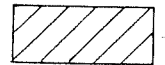

William L. Wales, P.E.

WLW/pf

c.c. Klamath Drainage District



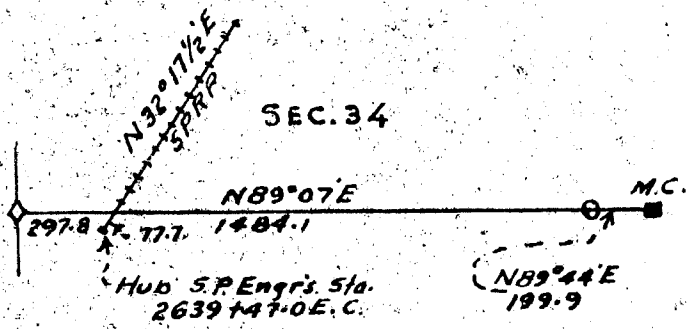
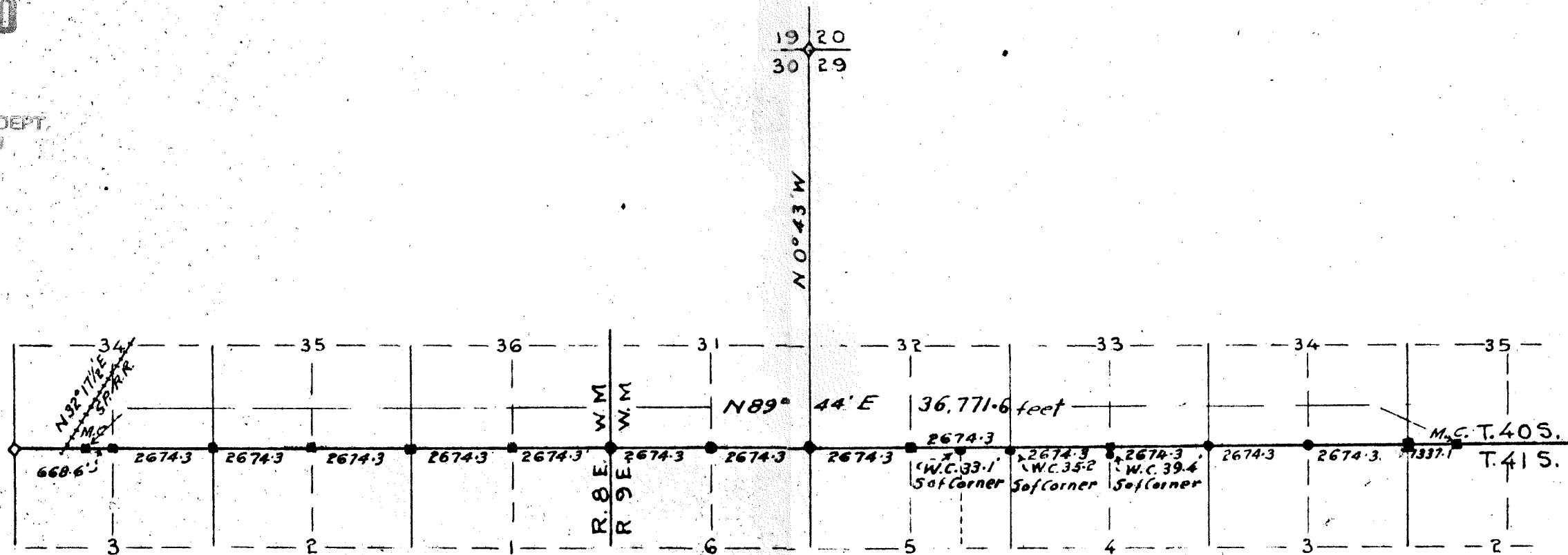
LEGEND

- ① B.L.M. Lot Numbers
- Meander of 1858
- Meander of 1872
- ← Canals
- Drains
-  Lands to be irrigated

RECEIVED

FEB - 6 1989

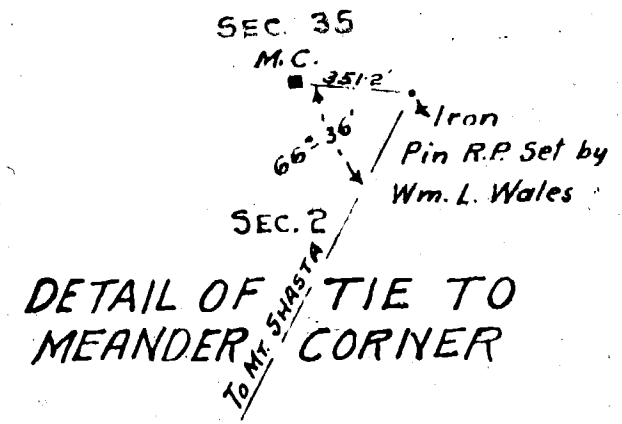
WATER RESOURCES DEPT.
SALEM, OREGON



SEC 3
DETAIL OF TIE TO MEANDER CORNER

SURVEY
OF TOWNSHIP LINE LOWER KLAMATH LAKE
By H.M. Faulkner, Engineer U.S. Bureau of Reclamation
August 1944

- ◊ Denotes corners found in place
- Square reinforcement steelbar - corners set by H.M. Faulkner.
- Pipe corners with brass caps set by H.M. Faulkner.



DETAIL OF TIE TO MEANDER CORNER

NOTICE OF INTEREST IN WATER RIGHT

JUL 0 1 1985

RECEIVED

To: Director of Water Resources
555 13th Street, N.E.
Salem, Oregon 97310

JUL 2 1985
WATER RESOURCES DEPT.
SALEM, OREGON

This is to notify you of an interest in the following described water right:

Loan Number P29727
Borrower's Name THORNTON, Daniel D.
Mailing Address _____

Property being served by the water:

Township 40 S Township _____ Township _____
Range 9 E Range _____ Range _____
Section 28 & 29 Section _____ Section _____
Tract _____ Tract _____ Tract _____

Water Right Numbers: 55748
Permit Number(s) 4334
Certificate Number(s) Survey
Irrigation District Klamath Drainage District

242 A.c.
Prism

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

DM
8-14-85

Attention: Butch Gehley, Appraisal Coordinator

Attachments:

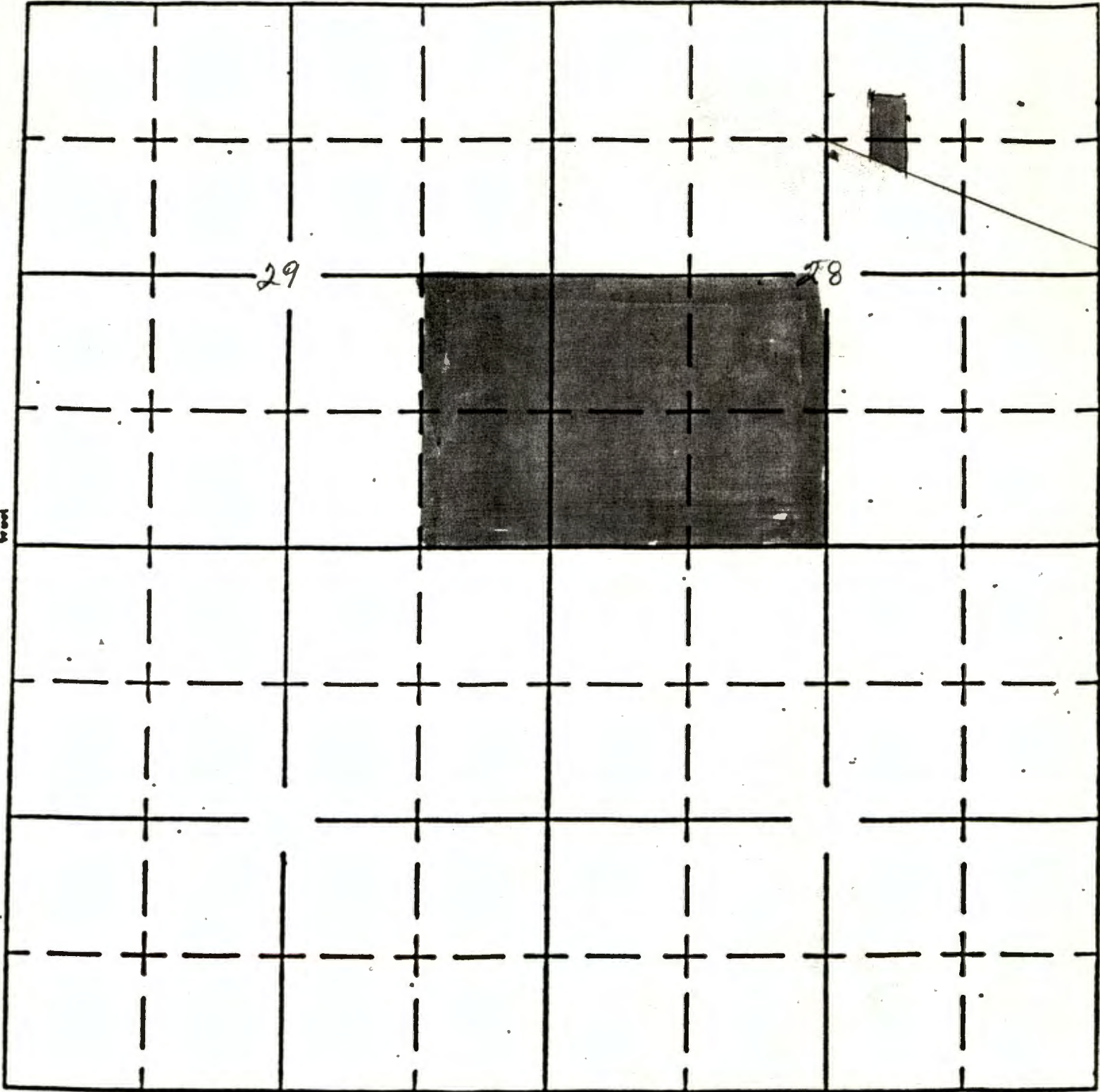
- Legal Descriptions
- Plat Map
- Please return copy to ODVA

SECTION

28-29

TOWNSHIP 40S, RANGE 9E, W. M.

North



South

APPLICATION No.
PERMIT No.

NOTICE OF INTEREST IN WATER RIGHT

RECEIVED

AUG 22 1985

WATER RESOURCES DEPT.
SALEM, OREGON

To: Director of Water Resources
555 13th Street, N.E.
Salem, Oregon 97310

This is to notify you of an interest in the following described water right:

Loan Number L93204
Borrower's Name LISKEY, Jack M.
Mailing Address _____

Property being served by the water:

Township 40 S Township _____ Township _____
Range 9 E Range _____ Range _____
Section 33 & 35 Section _____ Section _____
Tract _____ Tract _____ Tract _____

Water Right Numbers:

Permit Number(s) 55748
43334

Certificate Number(s) Survey

Irrigation District Klamath Drainage District
Covered by Dist.

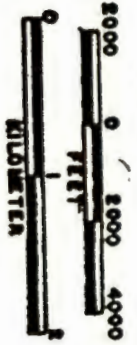
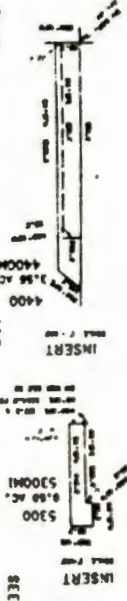
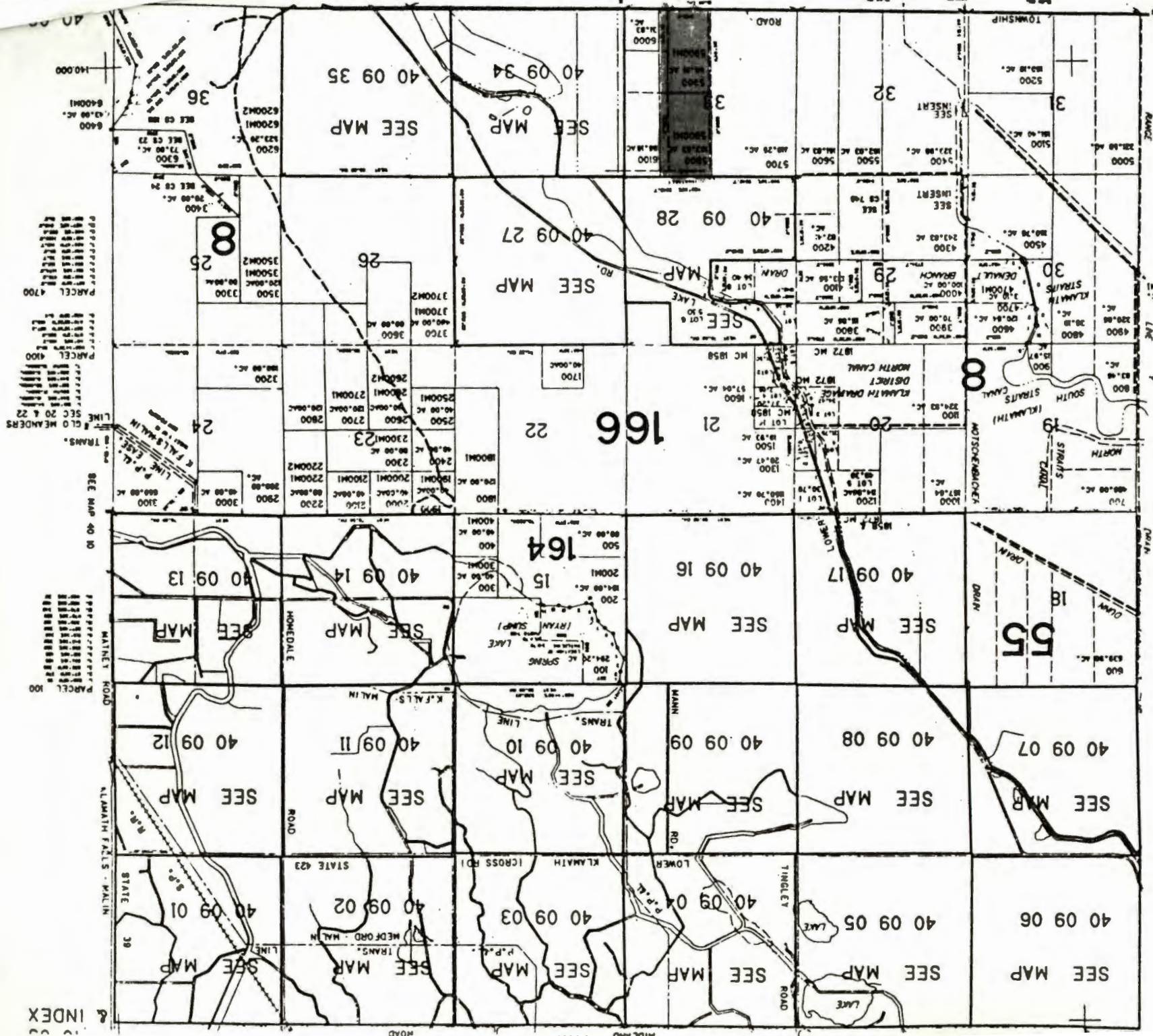
The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

DM
8-29-85

Attention: Butch Gehley, Appraisal Coordinator

Attachments:

- Legal Descriptions
- Plat Map
- Please return copy to ODVA



SCALE 1:48000

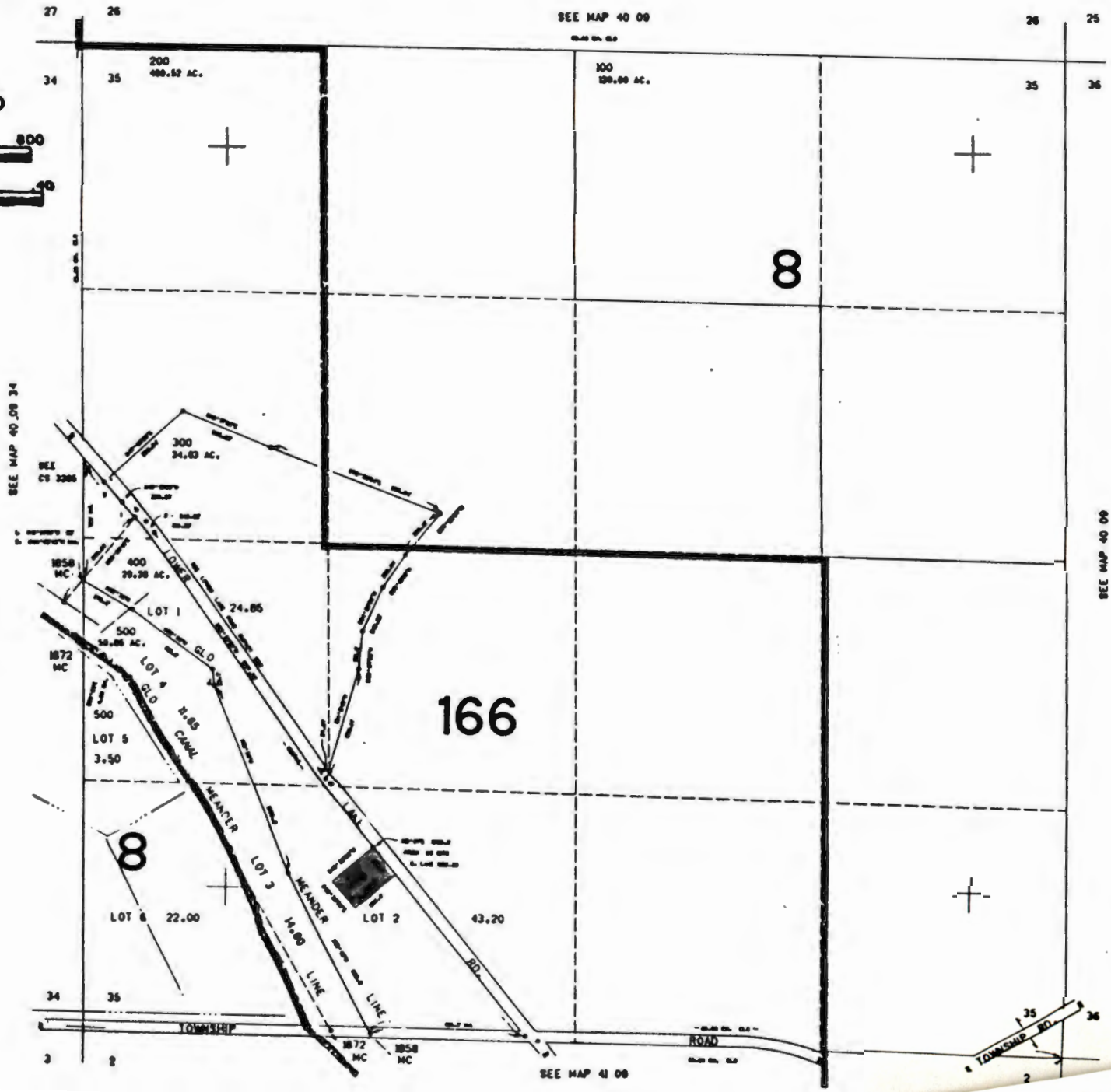
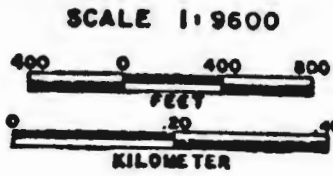
PARCEL 1700
PARCEL 1400
LINE SEC 20 & 22
SEE MAP 40 10
PARCEL 100
STATE 423
STATE 39

SECTION 35 T.40S. R.09E. W.M.
KLAMATH COUNTY

40 09 35

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

T-400



RECEIVED

JUL 24 1991

WATER RESOURCES DEPT.
SALEM, OREGON

July 19, 1991

DEPARTMENT OF
VETERANS'
AFFAIRS

Oregon Department of Water Resources
3850 Portland Rd NE
Salem, OR 97310

The following accounts are now paid-in-full and the Oregon Department of Veterans' Affairs no longer has any interest in the status of the water rights.


<u>ODVA ACCOUNT#</u>	<u>APPLICATION #</u>	<u>PERMIT#</u>	<u>CERTIFICATE#</u>
C06544	953	571	
	3263	19628	26050
	1343	624	26051
	37241	27841	
	Decree	V16 P188	26508 31410 31412
L48319	237	408	10142
	9668	7400	
	45384	33883	53086
L59016	T3372		48927
	33514	26508	33794
	64088	63840	39116
	65547	64953	39117
L78585	66700	48106	65734
L85084	10762	7867	15719
	21304	46707	15808
	16497	29882	
L86726	31431	24764	65149
L93204	55748	43324	
M17051	G6945	G6460	56805

BARBARA ROBERTS
Governor



Oregon Veterans' Building
700 Summer Street NE
Salem, OR 97310-1201

M31278	H162 13180 32641	V14 P332 23256 25991	29052
M66779	55856	42257	65294
M69429	G7419	G6922	57622
M70350	G7621	G7092	65925
M75656	7813 61811 17066	5003 45933 12800	6071 12278
P13309	30584 17704	24088 13405	41763 19999
P14154	G7609	G7360	53613
P27618	61672 59876 56597	45965 44995 42555	
P30097	38749 138 7404 G9908 Powder River Dec	28839 46 4686 G9058 V6 P386	38405 1015 3775 Cancelled 4155
P57127	57577	43328	65582
P57479	G2579 G7963 55574	G2414 G7797 48427	
P61541	52636 John Day River	37751 V10 P526	55361 25327


ED GABRIEL, Manager
Appraisal Coordination Unit
373-2369

ab

September 18, 1978

Klamath Drainage District
280 Main Street
Klamath Falls, Oregon 97601

55748

43334

378-3066

55748

August 17, 1978

Klamath Drainage District
280 Main St.
Klamath Falls, OR. 97601

Dear Gentlemen:

Thank you for the additional fee of \$5,771.50 regarding your application numbered 55748.

Permits will be issued for the use of water from the Klamath River and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is now satisfactory and will be considered for approval by issuance of a permit.

Sincerely,

VESTAL GARNER
Water Rights Engineer

VG:tld
enc: Receipt No. 4838
cc: William Wales

KLAMATH DRAINAGE DISTRICT

280 MAIN STREET
KLAMATH FALLS, OREGON 97601

July 10, 1978

RECEIVED
JUL 13 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th Street N.W.
Salem, OR 97310

Re: Klamath Drainage District
Application No. 55748.

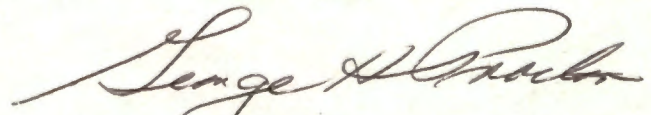
Gentlemen:

Pursuant to your letter of April 7, 1978, kindly
find enclosed Warrant in the amount of \$5,771.50 for the
Permit recording fee.

Very truly yours,

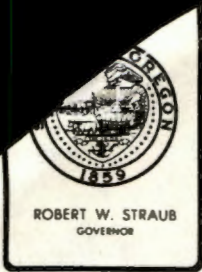
PROCTOR, PUCKETT & FAIRCLO

By



George H. Proctor
Attorney for the District.

GHP:m



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8453

February 27, 1978

55748

Klamath Drainage District
280 Main Street
Klamath Falls, OR 97601

Gentlemen:

We have received your application for a permit to appropriate 480.86 cubic feet of water per second from the Klamath River for the irrigation of 19,234.3 acres, supporting maps, and the fees of \$20.00 for which our receipt No. 59959 is enclosed. This application, which has been filed and numbered as 55748, requires a recording fee of \$5,771.50 for the irrigation use.

Generally, out of season applications have been approved where the available flow is insufficient to satisfy the acre feet per acre needs during the regular season or when there is insufficient moisture in the soil profile for a late fall seeding.

Permits for the Klamath River have been issued for a diversion of one-fortieth of a cubic foot per second per acre and not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season. Additional information is required to justify the out of season needs such as:

1. Soil types and moisture capacity
2. Types of crops and moisture requirements
3. Number of acre feet needed for out of season period
4. Any other documentation to justify proposed use as beneficial

Frost protection is indicated as a proposed use in the remarks section of the application. Further information is also required for this use including the types of crops to be protected, the conditions which require protection, method of protection, and the quantity of water required for this use.

Frost protection should then be designated as a use and the quantity separately stated. Frost protection requires a recording fee of \$15.00 for the first cubic foot per second and \$2.00 for each additional cubic foot per second or fraction thereof.

I am returning application No. 55748 for completion by submission of the additional information and required fees. Your application is endorsed and in order to retain its priority date, it must be received in this office on or before May 26, 1978. Your application should be resubmitted on the new form enclosed and both forms should then be returned.

Sincerely,

Larry W. Jebousek
Water Rights Administrator

LJ:db

Enclosures

cc: Proctor & Puckett
ATTENTION: George H. Proctor
280 Main Street
Klamath Falls, OR 97601

cc: William L. Wales & Associates
Consulting Engineers
1740 Austin Street
Klamath Falls, OR 97601

cc: Steve Brown, Watermaster
Klamath County Courthouse
Klamath Falls, OR 97601

RECEIVED
APR 25 1977
WATER RESOURCES DEPT
SALEM, OREGON

*APPLICATION FOR PERMIT

MAR 23

Superseded

To Appropriate the Public Waters of the State of Oregon

I, Klamath Drainage District

(Name of applicant)

of 280 Main Street

(Mailing address)

Klamath Falls

(City)

State of Oregon, 97601

(Zip Code)

do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation District is

quasi-municipal formed under the Drainage District Laws of the State of Oregon

1. The source of the proposed appropriation is Klamath River

(Name of stream)

Pacific Ocean

2. The amount of water which the applicant intends to apply to beneficial use is 480.86

cubic feet per second

(If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is Irrigation

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of P.O.D. #1 = S 89° 02½' W - 8878 feet from the Northeast Corner

(Section or subdivision)

of Section 1, T.40 S., R.8 E., W.M. and P.O.D. #2 = N 76° 46' W -

4366 feet from SE Corner of Section 15, T.40 S., R.8 E., W.M.

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the #1 = NE¼-NW¼, #2 = SW¼-SW¼ of Sec #1-2, #2-15, Tp. 40 S.

(Give smallest legal subdivision)

(N. or S.)

R. 8 E., W. M., in the county of Klamath

(E. or W.)

#1 = 13.85 miles

5. The Main Canals

(Main ditch, canal or pipe line)

to be #2 = 7.6 miles

#1 = 17 (Miles or feet)

in length, terminating in the #1=Lot 7; #2=Lot 3 of Sec. #2 = 13, Tp. #1 & #2= 41 S.

(Smallest legal subdivision)

(N. or S.)

#1= R.10 E.

R. #2= R.8 E., W. M., the proposed location being shown throughout on the accompanying map.

(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom

..... feet; material to be used and character of construction

(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate #1 = 3 - 54" CMP under Railroad Fill; #2 =

(Timber, concrete, etc., number and size of openings)

5 - 7½'H x 5.0'W Steel leaf-type gates in structure under Railroad Fill.

(c) If water is to be pumped give general description

(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

* A different form of application is provided where storage works are contemplated. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

Municipal or Domestic Supply—

10. (a) To supply the city of

..... County, having a present population of
(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 1,200,000

12. Construction work will begin on or before Construction already started

13. Construction work will be completed on or before Construction already completed

14. The water will be completely applied to the proposed use on or before Water already

applied to proposed use.

KLAMATH DRAINAGE DISTRICT

(Signature of applicant)

By: Muel Long, Vice President

Remarks:

This Application is for the use of water for preirrigation during the late fall and winter months, for normal irrigation from April 15 to September 30, and for frost protection during the spring and early fall seasons. Request for use is hereby made from January 1 to December 31 of each year. This filing is supplemental to the rights of the Klamath Project, U. S. Bureau of Reclamation. The land lies generally below the level of the Klamath River and can be irrigated by gravity.

In filing this Application, the Applicant does not waive or abandon any vested rights appurtenant to said lands.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 26, 1978

WITNESS my hand this 27th day of February, 1978

RECEIVED
MAR 23 1978
WATER RESOURCES DEPT.
SALEEM, OREGON

James E. Sexson, Water Resources Director

By Larry W. Jebousek
Larry W. Jebousek ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

Superseded 3/23/78
Application No. 55748

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 25 day of April, 1927 at 8 o'clock A.M.

Returned to applicant:

Approved:

Recorded in book No. of

Permits on page

STATE ENGINEER

Drainage Basin No. page

Fees



WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB
GOVERNOR

NOTICE OF FILING APPLICATION FOR A PERMIT TO APPROPRIATE WATER

File No. 55748

Name Klamath-Drainage District

Address 280 Main Street, Klamath Falls, OR 97601

Water source Klamath River

Use Irrigation of 19,234.3 acres

Point of diversion #1-S. 89 degrees 02½' W. - 8878 feet from the NE corner of Section 1, T. 40 S., R. 8 E., W. M. and #2-N. 76 degrees 46' W. - 4366 feet from the SE corner of *

Amount of water 480.86 cubic feet per second

* Section 15, T. 40 S., R. 8 E., W. M.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			See attached sheets for acreage listing																

Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 27th day of February, 19 78.

James E. Sexson
Water Resources Director

Sent notices to Klamath Compact Commission-Sacto.
Water Resources Control Board-Sacto
Bureau of Reclamation
Klamath Compact Commission-K. Falls
on February 27, 1978

STATE OF OREGON

INTEROFFICE MEMO

TO: Larry Jebousek

DATE: February 21, 1978

FROM: Steve Brown-Watermaster Dist. 17

SCB

SUBJECT: Inspection of the
Lower Klamath Lake Area

Presently there is water flowing in the North Canal, the Klamath Strait drain and in several feed canals.

Approximately 25 to 30% of the Lower Klamath Lake area is under water at this time.

From visual inspection, the lands are planted for two types of uses; No. 1-grain and No. 2-pasture. The land lacked evidence of row crops.

CIVIL
STRUCTURAL

TELEPHONE: 884-4739
AREA CODE: 503

REGISTERED:
OREGON
CALIFORNIA
NEVADA

WILLIAM L. WALES & ASSOCIATES

CONSULTING ENGINEERS
1740 AUSTIN STREET
KLAMATH FALLS, OREGON 97601

April 22, 1977

Water Resources Department
1178 Chemeketa St., N.E.
Salem, Oregon 97310

Gentlemen:

Enclosed is an application in the name of the Klamath Drainage District to appropriate 480.86 c.f.s. from the Klamath River to irrigate 19,234.3 Acres of District lands in the now reclaimed bed of Lower Klamath Lake. Also enclosed is a photocopy of the published notice of the formation of the District, from the official records of the District, which gives a legal description of the boundaries thereof.

I am enclosing my check in the amount of \$20.00 to cover the statutory Examination Fee. The amount of the Recording fees will be forwarded after the application has been examined.

Under separate cover, we are sending four sheets of Drawings (both the cloth tracings and one print of each sheet thereof) which show the lands to be irrigated.

It is my understanding that this matter and the application have been discussed with members of your office by Mr. George Proctor.

I trust you will find all in order. If you have any questions, please call me.

Very truly yours,

WILLIAM L. WALES & ASSOCIATES

By *William L. Wales*
William L. Wales, P.E.

c.c. Klamath Drainage District

Application No. 55748
Permit No.

RECEIVED
APR 23 1977
WATER RESOURCES DEPT
SALEM, OREGON

COPY

EVELLE J. YOUNGER, Attorney General
of the State of California
R. H. CONNETT,
Assistant Attorney General
DENIS SMAAGE,
Deputy Attorney General
555 Capitol Mall, Suite 350
Sacramento, CA 95814
Telephone: (916) 445-6280

RECEIVED
MAY 1 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Attorneys for Department of Fish and Game

STATE OF OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE KLAMATH DRAINAGE DISTRICT
APPLICATION FOR A PERMIT TO APPROPRIATE WATER;
APPLICATION NO. 55748

PROTEST OF CALIFORNIA DEPARTMENT
OF FISH AND GAME

The California Department of Fish and Game protests
the above water application and alleges as follows:

1. The name and address of protestant is:

California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

2. Interest of protestant.

The California Department of Fish and Game is under
a statutory duty to protect, manage, and conserve all fish and
wildlife in the State of California. The Klamath River flows from
Oregon into the State of California and supports an important salmon
and steelhead run as well as a resident trout fishery below Copco
Reservoir in California. Copco Reservoir supports a warm water
fishery and a resident trout fishery is supported by Copco Reservoir

and the Klamath River above the Reservoir. Significant wildlife populations in California are also supported by the Russian River.

3. Effect of application upon protestant's interests.

It is presently not known whether the application, if granted, would have an adverse effect upon the fish and wildlife resources dependent upon water conditions of the Klamath River in California. If the application will have the effect of reducing and significantly modifying the flows of water in the Klamath River, then there is a likelihood that there would be an adverse effect upon the fish and wildlife resources dependent upon the Klamath River in California. The purpose of this protest is to protect the protestant's interests if the application would result directly or indirectly in reducing or changing the regime of the flows in the Klamath River or change the quality of water in the Klamath River in the State of California.

4. Action desired by protestant.

If this application is a confirmation of historical practices by the Klamath Drainage District and will have no effect on the existing flows in the Klamath River, direct or indirect, the protestant would request a formal declaration to this effect from the Water Resources Department.

If, as a result of the above application, there will be either an immediate change in the quantity of flow in the Russian River coming into California or a potential for a change in quantity or quality, then protestant desires to be made a party to the

proceedings so that it may participate in hearings and present to the Oregon Water Resources Department conditions it believes would be necessary to protect protestant's interests.


VERIFICATION

I, the undersigned, hereby declare:

That I am employed by the California Department of Fish and Game, a public agency, as Administrative Officer. That in such capacity I am empowered to act for the California Department of Fish and Game in this cause. That I have read the foregoing Protest and know the contents thereof; that the same is true of my own knowledge, except as to any matters which are therein stated upon my information or belief, and as to those matters, that I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at Sacramento, California, this 27th day of April 1978.



R. L. WILDE
Administrative Officer
California Department of Fish and Game

Subscribed and sworn to before me this 27th day of April, 1978.

Cindy Stratton
Cindy Stratton
Notary Public in and for the State of California, County of Sacramento



STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

AFFIDAVIT OF SERVICE BY MAIL

Betty A. MacDonald , being duly sworn, deposes and says:
That affiant is over the age of 18 years, and not a party to the
within action; that affiant's place of employment and business
address is 555 Capitol Mall, Suite 350, Sacramento, California
95814; that on the 27th day of April , 1978 , affiant
enclosed a true copy/~~copies~~ of the within

Protest of California Department of
Fish and Game

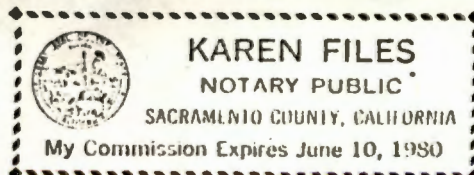
in an envelope for each of the persons named below, addressed to
each of them at the address set out immediately below each
respective name, sealed said envelope, and deposited the same in
the United States Mail at the City of Sacramento, County of
Sacramento, State of California, with postage thereon fully
prepaid; that there is delivery service by United States Mail at
each of the places so addressed, or there is regular communication
by mail between the said place of mailing and each of the places
so addressed:

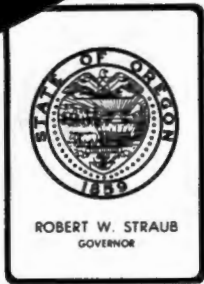
Klamath Drainage District
280 Main Street
Klamath Falls, Oregon 97601

Betty A. MacDonald

Subscribed and sworn to before me
this 27th day of April , 19 78.

Karen Files
Notary Public in and for the County
of Sacramento, State of California.





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

55748

July 10, 1978

William Wales, Engineer
1740 Austin St.
Klamath Falls, OR. 97601

Dear Mr. Wales:

A permit has not yet been issued approving application numbered 55748 submitted by Klamath Drainage District for use of water from the Klamath River for irrigation of 19,234.3 acres.

A permit can now be issued however; and to do so would require submission of the \$5,771.50 permit recording fee. Therefore, upon receipt of the necessary fee, the application will be considered for issuance of a permit.

Sincerely,

VESTAL GARNER
Water Rights Engineer

VG:tld
cc: Klamath Drainage District



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2983

June 12, 1978

File 55748

Mr. Dennis Smaage
Deputy Attorney General
555 Capitol Mall, Suite 350
Sacramento, California 95814

Dear Mr. Smaage:

I have very carefully reviewed the protest of the California Department of Fish and Game to application No. 55748 in the name of Klamath Drainage District. The protection of the fishery concerns expressed is appreciated. I probably could certify that this specific application is a continuation of past practices and would have no effect on existing flows in the Klamath River.

I am more concerned, however, with the implied belief that the California Department of Fish and Game is entitled to have no further development in the Klamath River drainage in Oregon which directly or indirectly affects in any way the flow of water in the Klamath River.

The Klamath River Compact adopted by both states April 17, 1957 and consented to by Congress August 30, 1957, specifically provided for future development which will substantially modify and affect the flows downstream. I believe both our agencies are governed by those provisions.

Based on the provisions of the Compact, we have to deny the protest and proceed with consideration of the application by issuance of the necessary permit.

Sincerely,

Chris L. Wheeler
Deputy Director

CLW:eh
Enclosure: Receipt
Voucher



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350

SACRAMENTO 95814

(916) 445-9555

April 27, 1978

RECEIVED

MAY 1 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

State of Oregon
Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Gentlemen:

Re: In the Matter of the Klamath Drainage
District Application for a Permit to
Appropriate Water; Application No. 55748

Enclosed for filing are the original and one copy of the Protest of California Department of Fish and Game in the above entitled matter.

We also enclose State of California check in the amount of \$10.00 for filing fee.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

A handwritten signature in blue ink that reads "Denis Smaage".
DENIS SMAAGE
Deputy Attorney General

DS:bam
Enclosures

ORIGINAL

EVELLE J. YOUNGER, Attorney General
of the State of California
R. H. CONNETT,
Assistant Attorney General
DENIS SMAAGE,
Deputy Attorney General
555 Capitol Mall, Suite 350
Sacramento, CA 95814
Telephone: (916) 445-6280

RECEIVED
MAY 1 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Attorneys for Department of Fish and Game

STATE OF OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE KLAMATH DRAINAGE DISTRICT
APPLICATION FOR A PERMIT TO APPROPRIATE WATER;
APPLICATION NO. 55748

PROTEST OF CALIFORNIA DEPARTMENT
OF FISH AND GAME

The California Department of Fish and Game protests
the above water application and alleges as follows:

1. The name and address of protestant is:

California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

2. Interest of protestant.

The California Department of Fish and Game is under a statutory duty to protect, manage, and conserve all fish and wildlife in the State of California. The Klamath River flows from Oregon into the State of California and supports an important salmon and steelhead run as well as a resident trout fishery below Copco Reservoir in California. Copco Reservoir supports a warm water fishery and a resident trout fishery is supported by Copco Reservoir

and the Klamath River above the Reservoir. Significant wildlife populations in California are also supported by the Russian River.

3. Effect of application upon protestant's interests.

It is presently not known whether the application, if granted, would have an adverse effect upon the fish and wildlife resources dependent upon water conditions of the Klamath River in California. If the application will have the effect of reducing and significantly modifying the flows of water in the Klamath River, then there is a likelihood that there would be an adverse effect upon the fish and wildlife resources dependent upon the Klamath River in California. The purpose of this protest is to protect the protestant's interests if the application would result directly or indirectly in reducing or changing the regime of the flows in the Klamath River or change the quality of water in the Klamath River in the State of California.

4. Action desired by protestant.

If this application is a confirmation of historical practices by the Klamath Drainage District and will have no effect on the existing flows in the Klamath River, direct or indirect, the protestant would request a formal declaration to this effect from the Water Resources Department.

If, as a result of the above application, there will be either an immediate change in the quantity of flow in the Russian River coming into California or a potential for a change in quantity or quality, then protestant desires to be made a party to the

proceedings so that it may participate in hearings and present to the Oregon Water Resources Department conditions it believes would be necessary to protect protestant's interests.

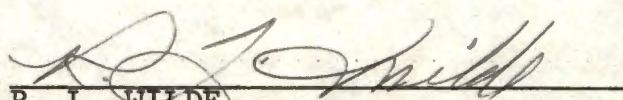
VERIFICATION

I, the undersigned, hereby declare:

That I am employed by the California Department of Fish and Game, a public agency, as Administrative Officer. That in such capacity I am empowered to act for the California Department of Fish and Game in this cause. That I have read the foregoing Protest and know the contents thereof; that the same is true of my own knowledge, except as to any matters which are therein stated upon my information or belief, and as to those matters, that I believe it to be true.

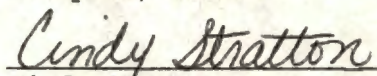
I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at Sacramento, California, this 27th day of April 1978.



R. L. WILDE
Administrative Officer
California Department of Fish and Game

Subscribed and sworn to before me this 27th day of April, 1978.



Cindy Stratton
Notary Public in and for the State of California, County of Sacramento



STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

AFFIDAVIT OF SERVICE BY MAIL

Betty A. MacDonald, being duly sworn, deposes and says:
That affiant is over the age of 18 years, and not a party to the
within action; that affiant's place of employment and business
address is 555 Capitol Mall, Suite 350, Sacramento, California
95814; that on the 27th day of April, 1978, affiant
enclosed a true copy/~~copies~~ of the within

Protest of California Department of
Fish and Game

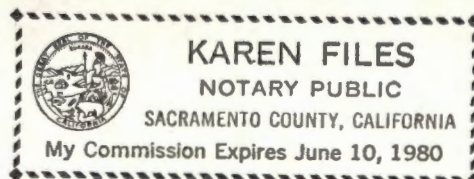
in an envelope for each of the persons named below, addressed to
each of them at the address set out immediately below each
respective name, sealed said envelope, and deposited the same in
the United States Mail at the City of Sacramento, County of
Sacramento, State of California, with postage thereon fully
prepaid; that there is delivery service by United States Mail at
each of the places so addressed, or there is regular communication
by mail between the said place of mailing and each of the places
so addressed:

Klamath Drainage District
280 Main Street
Klamath Falls, Oregon 97601

Betty A. MacDonald

Subscribed and sworn to before me
this 27th day of April, 1978.

Karen Files
Notary Public in and for the County
of Sacramento, State of California.



Klamath Drainage Dist.

55748

#3 says for Irrigation yet remarks indicate a use for frost control and also a use supplemental to rights of the Klamath Project, Bureau of Rec.

1. A question beneficial use of water for frost control by flooding (Bear Creek case in Oakland) also, some of the crops in that area do not require frost control i.e. pasture

2. If in fact for supp! what is the primary source? there is no right of record on any of the land applied on. *Adj. pending!*

Remarks section says "year round use for irrigation". The need for ^{that a} _{needed} this use must be substantiated. year round use must be shown to be beneficial.

Duty of water for Klamath River
is 1/40 cfs per acre, not to exceed
3 af. How much water would
be used during normal season,
& how much during winter?

What is irrigation season of
Klamath River - Adj.
planting

Lost R: 3/1 to 9/30
Sprague R. 3/1 to 10/1
Swan Lake 3/15 to 9/30
Wood River 4/1 to 10/1

App needs to be on new form.
App requires 5,771⁵⁰ rec fees. for
irrigation.

app for frost control, need 9 to
be used & paper rec. fee.

maps OK - for Irrig.
Listing of acres to be irrigated OK
need place of use for frost control,
both on maps & app.

I do not know of any "feaward"
or out of seasons permits or rights
in Klamath Dam. We need
a policy provision for such use.

yes, Swan Lake

338-3066

55748

April 7, 1978

William Wales & Associates
Consulting Engineers
1740 Austin St.
Klamath Falls, OR. 97601
ATTN: William Wales

Dear Mr. Wales:

Thank you for returning the original application numbered 55748 and the amended application numbered 55748 submitted by Klamath Drainage District. We have also received your letter of March 21, 1978 regarding the use of water by the District for irrigation outside of the nonnal irrigation season.

It now appears that the District's application which is requesting 490.86 cubic feet of water per second from Klamath River for irrigation during the entire year is satisfactory and upon receipt of the permit recording fees, of \$5771.50, a permit could be issued.

You may be aware that the State of California has expressed some concern over this large diversion of water. Therefore, the permit will not be issued until the State of California's concerns have been satisfied.

Should a formal protest be received regarding this application, you will be notified.

Sincerely,

VESTAL GARIER
Water Rights Engineer

VG:tld
cc: Klamath Drainage District
Steve Brown, Watermaster

CIVIL
STRUCTURAL

REGISTERED:
OREGON
CALIFORNIA
NEVADA

TELEPHONE: 884-4739
AREA CODE: 503

WILLIAM L. WALES & ASSOCIATES

CONSULTING ENGINEERS

1740 AUSTIN STREET

KLAMATH FALLS, OREGON 97601

March 21, 1978

RECEIVED

MAR 29 1978

WATER RESOURCES DEPT.
Salem, Oregon

Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, Oregon 97310

Attn: Larry W. Jebousek

Re: 55748

Gentlemen:

This is in reply to your letter dated February 27, 1978, relative to the application of the Klamath Drainage District.

Out of Season Irrigation: The Klamath Drainage District lies within the now reclaimed bed of Lower Klamath Lake. The land is relatively flat and lies below the level of the Klamath River.

The soil is muck with a high peat content. The largest area of the land is devoted to growing cereal grains. There are a number of irrigation canals and the District has a rather extensive system of open drains.

The method of irrigation on the grain lands which has been followed since the District was formed in 1917 is as follows: Beginning about December 15th, water is placed on the land by flooding through the canal system. The land is kept submerged under 6-inches to 1 - foot of water for 60 to 90 days depending upon the weather. The land is then drained by gravity into the Klamath Straits Drain Outlet, operated by the U.S.B.R., which pumps the water into the Klamath River.

As soon as the ground surface has dried sufficiently, the land surface is harrowed and the crop planted. No further irrigation is carried out. Normally this will produce a crop of oats or barley.

The pasture lands and areas planted to alfalfa and potatoes are irrigated by normal means at the usual times of year.

Under either condition, the duty of water remains the same, at $2\frac{1}{2}$ to 3 feet per acre, as for normal irrigation patterns.

We hereby withdraw the application to use the water for frost protection. It is impractical to plan on it for the entire District.

Water Resources Dept.

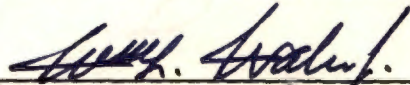
RECEIVED
- 2 - MAR 23 1978 March 21, 1978

WATER RESOURCES DEPT.
SALMON, OREGON

We are hereby resubmitting the application for examination on the new form. I trust you will now find all in order.

Very truly yours,

William L. Wales & Associates

By 
William L. Wales, P.E.

WLW/pf

Encl.

c.c. Klamath Drainage District
280 Main Street
Klamath Falls, OR

March 28, 1978

Denis Smaage
Deputy Attorney General
of California
555 Capitol Mall
Sacramento, California 95814

RE: Klamath Drainage District application No. 55748

Dear Mr. Smaage:

Pursuant to your telephone request in behalf of the California Department of Fish and Game, action toward approval of application No. 55748, in the name of the Klamath Drainage District, for a permit to appropriate not to exceed 480.86 cubic feet per second of water from Klamath River for irrigation purposes, will be withheld until April 28, 1978, to allow the California Department of Fish and Game the opportunity to file a protest against approval of the application, if they so decide.

Sincerely,

James W. Carver
Engineer

JWC:slk

K. Falls "Evening Herald"
1/28/1915

In the County Court of the State of Oregon, for the County of Klamath.
In the matter of the organization of a Drainage District, to be known as "Klamath Drainage District."

PETITION

To the Honorable County Court of the State of Oregon, for Klamath County:

We, the undersigned, your petitioners, respectfully represent as follows:

That we propose the organization of, and that it is our purpose to organize a Drainage District under the provisions of Chapter IV of Title XLI of Lord's Oregon Laws, Section 6126 et. seq. thereof, and the Act of the Legislature of the State of Oregon, which was filed in the office of the Secretary of said State of Oregon on February 23rd, 1911, being Chapter 241 of the General Laws of Oregon of 1911, and that this petition is presented for that purpose.

That each of us is the owner of land within the boundaries of the proposed Drainage District, as hereinafter set forth and particularly described;

That the lands included within the boundaries of the proposed Drainage District, as hereinafter set forth and particularly described are susceptible of one system of drainage and we desire to drain the same for the public benefit, for sanitary purposes, for the improvement of agriculture and to prevent overflow from flood waters or any possible rise of the level of the sub-surface waters thereof.

That all of the lands included within the boundaries of said proposed Drainage District are situated in Klamath County, Oregon.

That the boundaries of said proposed Drainage District are set forth and particularly described, as follows, to-wit:

Commencing at the point where the railroad embankment of the California Northeastern Railroad (or Southern Pacific) crosses the north boundary line of Lot 6, of Section 1, in Township 40 South, Range 8 E. W. M.; thence following the surveyed meander line in a southerly and easterly direction along and on the northerly and easterly boundary line of Lots 8, 5, 8, 9 and 4, in said Section 1, Township 40 South, Range 8 E. W. M. and Lot 3, of Section 6, Township 40 South, Range 9 E. W. M. and Lots 8, 7, 11, 6, 5 and 13 of Section 7, Township 40 South, Range 9 E. W. M.; and Lots 4 and 3, of Section 8, Township 40 South, Range 9 E. W. M. and Lots 5, 4 and 3, of Section 20, Township 40 South, Range 9 E. W. M. and Lots 5 and 3, of Section 21, Township 40 South, Range 9 E. W.

tion 2, Township 40 South, Range 9 E. W. M. and Lots 5 and 4, of Section 27, Township 40 South, Range 9 E. W. M. and Lots 4 and 3, of Section 34, Township 40 South, Range 9 E. W. M. and Lots 4 and 3, of Section 35, Township 40 South, Range 9 E. W. M. and Lots 8, 6, 5, 11 and 12, of Section 2, Township 41 South, Range 9 E. W. M. and Lots 4 and 3, of Section 1, Township 41 South, Range 9 E. W. M. and Lots 5, 4 and 3, of Section 12, Township 41 South, Range 9 E. W. M. and Lots 6 and 7, of Section 7, Township 41 South, Range 10 E. W. M. and Lot 2, of Section 13, Township 41 South, Range 10 E. W. M. and Lots 6 and 5, of Section 17, Township 41 South, Range 10 E. W. M. to the point where said meander line crosses the boundary line between the States of Oregon and California; thence west along said State boundary line, between said States of Oregon and California to where said State boundary line intercepts the surveyed meander line in or near the southeast corner of Lot 6, of Section 16, Township 41 South, Range 8 E. W. M.; thence in a northwesterly direction on and along said surveyed meander line between Lots 3 and 6 and between Lots 2 and 7 and between Lots 1 and 8, of said Section 16, Township 41 South, Range 8 E. W. M.; thence following said surveyed meander line on and along the westerly line of Lots 4, 5 and 6, of Section 9, Township 41 South, Range 8 E. W. M. and Lot 2, of Section 3, Township 41 South, Range 8 E. W. M., to the north line of said Section 8; thence following said surveyed meander line on and along the westerly boundary line of Lot 2, of Section 5, Township 41 South, Range 8 E. W. M., and on and along the northerly boundary line of Lots 5, 6, 7, and 8, of Section 4, Township 41 South, Range 8 E. W. M. and on and along the westerly line of Lots 4, 5 and 6, and 7, of Section 3, Township 41 South, Range 8 E. W. M., and Lots 9, 10, 11, 12, 13 and 14, of Section 34, Township 40 South, Range 8 E. W. M.; thence continuing on and along said surveyed meander line and along the westerly and northerly boundary line of Lots 6, 5 and 4, of Section 27, Township 40 South, Range 8 E. W. M. and Lot 3, of Section 25, Township 40 South, Range 8 E. W. M., to where said surveyed meander line intercepts the railroad embankment in said Lot 3, of Section 26, Township 40 South, Range 8 E. W. M.; thence in a northeasterly direction along the line of said railroad embankment through Sections 26, 23, 14, 11, 12 and 1, in Township 40 South, Range 8 E. W. M., to the place of beginning.

That the approximate number of acres within the proposed boundaries as herein set forth is 27,382.16 acres;

That the name proposed for said Drainage District is Klamath Drainage District;

That the names of the owners of each tract of land included therein separately owned and a description of such separately owned tracts are as follows, to-wit:

Mabel T. Cluness—Lots 2, 3, 5, 6, 7 and SE 1/4, NW 1/4 and SW 1/4 and SW 1/4, of Section 11, Township 40 South, Range 8 E. W. M.
A. A. Mehaffey—A tract containing 24 acres in the southeasterly part of the SE 1/4 of Section 11, and the SW 1/4 of Section 12, excepting a tract of 20 acres in the southeasterly corner of said Section 12, all in Township 40 South, Range 8 E. W. M.
Leo S. Robinson and Arthur Arlett—The SE 1/4 of Section 12, Township 40 South, Range 8 E. W. M.
Emma Barron—A tract containing 20 acres in the southeast corner of the SW 1/4 of Section 12, Township 40 South, Range 8 E. W. M.
Leo S. Robinson and Mabel T. Cluness—The north half of the SW 1/4 of Section 13, Township 40 South, Range 8 E. W. M. and a tract containing 34 acres in the northeast corner of the NE 1/4 of Section 14, Township 40 South, Range 8 E. W. M.
Mabel T. Cluness—The SE 1/4 of the NE 1/4 of Section 14, and a tract containing 8 acres in the southeast corner of the SW 1/4 of NE 1/4 of said Section 14, and the E 1/2 of the SE 1/4 of Section 14, and a tract containing 47 acres off of the east side of the west half of the SE 1/4 of Section 13, and the south half of the NW 1/4 of Section 13, and the NE 1/4 of Section 13, and the south half of Section 13, and the NE 1/4 of Section 23, and the NW 1/4 of Section 24, and the east half of Section 24, all in Township 40 South, Range 8 E. W. M.
Robert C. Keeney—The NW 1/4 of the SW 1/4 of Section 24, in Township 40 South, Range 8 E. W. M.
R. S. Smith—The NE 1/4 of the SW 1/4 and the south half of the SW 1/4 of Section 24, and the SE 1/4 of Section 23, and the NE 1/4 of Section 26 and the NW 1/4 of Section 26, all in Township 40 South, Range 8 E. W. M.
L. F. Willits—A triangular tract containing 18 acres off of the east side of the NW 1/4 of Section 24, and a triangular tract containing 64 acres off of the east side of the SW 1/4 of Section 24, and the east half of the NW 1/4 of Section 26, and a tract containing 30 acres off of the E 1/2 of the W 1/2 of the NW 1/4 of Section 26, all in Township 40 South, Range 8 E. W. M.
M. Motschenbacher—The east half of Section 25 in Township 40 South, Range 8 E. W. M.
M. Motschenbacher—Lot 5 of Section 27, Township 40 South, Range 8 E. W. M.
M. Motschenbacher—Lots 4 and 6, and the SE 1/4 of the SE 1/4 of Section 27, the south half of Section 26, Lots 13 and 14 of Section 31, and the NE 1/4 of Section 35, all in Township 40 South, Range 8 E. W. M.
Anthony McMillan—The SW 1/4 of Section 25, and the NW 1/4 of Section 36, in Township 40 South, Range 8 E. W. M.
W. P. Smith—The east half of Section 36, Township 40 South, Range 8 E. W. M.
John R. Fouch—The north half of the NW 1/4 of SW 1/4 of Section 36, Township 40 South, Range 8 E. W. M.

RECEIVED
WATER RESOURCES DEPT
KAMATH OREGON
Application No. 55748
Permit No.

COPY

OFFICE COPY
ATTORNEY GENERAL

EVELLE J. YOUNGER, Attorney General
of the State of California
R. H. CONNETT,
Assistant Attorney General
DENIS SMAAGE,
Deputy Attorney General
555 Capitol Mall, Suite 350
Sacramento, CA 95814
Telephone: (916) 445-6280

Attorneys for Department of Fish and Game

RECEIVED
MAY 1 1978
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE KLAMATH DRAINAGE DISTRICT
APPLICATION FOR A PERMIT TO APPROPRIATE WATER;
APPLICATION NO. 55748

PROTEST OF CALIFORNIA DEPARTMENT
OF FISH AND GAME

The California Department of Fish and Game protests
the above water application and alleges as follows:

1. The name and address of protestant is:

California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

2. Interest of protestant.

The California Department of Fish and Game is under
a statutory duty to protect, manage, and conserve all fish and
wildlife in the State of California. The Klamath River flows from
Oregon into the State of California and supports an important salmon
and steelhead run as well as a resident trout fishery below Copco
Reservoir in California. Copco Reservoir supports a warm water
fishery and a resident trout fishery is supported by Copco Reservoir

and the Klamath River above the Reservoir. Significant wildlife populations in California are also supported by the Russian River.

3. Effect of application upon protestant's interests.

It is presently not known whether the application, if granted, would have an adverse effect upon the fish and wildlife resources dependent upon water conditions of the Klamath River in California. If the application will have the effect of reducing and significantly modifying the flows of water in the Klamath River, then there is a likelihood that there would be an adverse effect upon the fish and wildlife resources dependent upon the Klamath River in California. The purpose of this protest is to protect the protestant's interests if the application would result directly or indirectly in reducing or changing the regime of the flows in the Klamath River or change the quality of water in the Klamath River in the State of California.

4. Action desired by protestant.

If this application is a confirmation of historical practices by the Klamath Drainage District and will have no effect on the existing flows in the Klamath River, direct or indirect, the protestant would request a formal declaration to this effect from the Water Resources Department.

If, as a result of the above application, there will be either an immediate change in the quantity of flow in the Russian River coming into California or a potential for a change in quantity or quality, then protestant desires to be made a party to the

proceedings so that it may participate in hearings and present to the Oregon Water Resources Department conditions it believes would be necessary to protect protestant's interests.

VERIFICATION

I, the undersigned, hereby declare:

That I am employed by the California Department of Fish and Game, a public agency, as Administrative Officer. That in such capacity I am empowered to act for the California Department of Fish and Game in this cause. That I have read the foregoing Protest and know the contents thereof; that the same is true of my own knowledge, except as to any matters which are therein stated upon my information or belief, and as to those matters, that I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

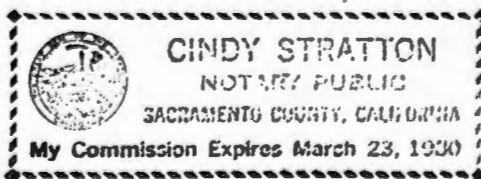
Executed at Sacramento, California, this 27th day of April 1978.



R. L. WILDE
Administrative Officer
California Department of Fish and Game

Subscribed and sworn to before me this 27th day of April, 1978.

Cindy Stratton
Cindy Stratton
Notary Public in and for the State of California, County of Sacramento



STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

AFFIDAVIT OF SERVICE BY MAIL

Betty A. MacDonald, being duly sworn, deposes and says:
That affiant is over the age of 18 years, and not a party to the
within action; that affiant's place of employment and business
address is 555 Capitol Mall, Suite 350, Sacramento, California
95814; that on the 27th day of April, 1978, affiant
enclosed a true copy/~~copies~~ of the within

Protest of California Department of
Fish and Game

in an envelope for each of the persons named below, addressed to
each of them at the address set out immediately below each
respective name, sealed said envelope, and deposited the same in
the United States Mail at the City of Sacramento, County of
Sacramento, State of California, with postage thereon fully
prepaid; that there is delivery service by United States Mail at
each of the places so addressed, or there is regular communication
by mail between the said place of mailing and each of the places
so addressed:

Klamath Drainage District
280 Main Street
Klamath Falls, Oregon 97601

Betty A. MacDonald

Subscribed and sworn to before me
this 27th day of April, 1978.

Karen Files
Notary Public in and for the County
of Sacramento, State of California.





United States Department of the Interior

BUREAU OF RECLAMATION

MID-PACIFIC REGIONAL OFFICE
2800 COTTAGE WAY
SACRAMENTO, CALIFORNIA 95825

IN REPLY
REFER TO:

MP-710

871.

MAR 23 1978

RECEIVED

MAR 27 1978

WATER RESOURCES DEPT
SALEM, OREGON

Klamath Drainage District
280 Main Street
Klamath Falls, Oregon 97601

Re: Application No. 55748

Dear Sir:

Our policy is to examine all applications filed with the Oregon Water Resources Department for the appropriation of water in the Klamath River Basin that could possibly affect the Klamath Project.

This letter is to give you notice that the United States claims a water right with a priority date of 1905 for:

"All the waters of the Klamath Basin in Oregon, constituting the entire drainage basins of the Klamath River and Lost River and all the lakes, streams and rivers supplying water thereto or receiving water therefrom, - - -."

which is affirmed in the 1957 Klamath River Basin Compact between the States of Oregon and California.

Therefore, your permit will be junior in priority to all other rights on the Klamath River and on the Klamath River downstream from your point of diversion, existing before the date of Application No. 55748. Because of the junior status of your permit, during years of low runoff, the water available to you might be less than the amount stated in your permit.

Sincerely yours,

H. E. Horton
Acting Regional Director

Copy to: Mr. James E. Sexson, Director
Water Resources Department
555 - 13th Street N.E.
Salem, Oregon 97310

NOTICE OF INTEREST IN WATER RIGHT

JUN 07 1985

RECEIVED

To: Director of Water Resources
555 13th Street, N.E.
Salem, Oregon 97310

JUN 10 1985
WATER RESOURCES DEPT.
SALEM, OREGON

This is to notify you of an interest in the following described water right:

Loan Number L63004
Borrower's Name BOEHM, Abraham L.
Mailing Address _____

Property being served by the water:

Township 40 S Township 40 S Township _____
Range 9 E Range 9 E Range _____
Section 32 Section 28 Section _____
Tract _____ Tract _____ Tract _____

Water Right Numbers: 55748 67445
Permit Number(s) 43334 48435
Certificate Number(s) Sur B
Irrigation District Klamath Drainage District *covered by Dist*

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

*DM
8-5-85*

Attention: Butch Gehley, Appraisal Coordinator

Attachments:

- Legal Descriptions
- Plat Map
- Please return copy to ODVA

NE NW SW SE				NE NW SW SE				NE NW SW SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES												G-4861	G-4578	42933
												56705		

NE NW SW SE				NE NW SW SE				NE NW SW SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES												16301	12104	57772 / 11669
												17605	13298	PARCEL LTD 32271
												U-888	U-744	26701
												U-848	U-744	26901
												G-5201		
												G-5563	G-4927	40428
												U-848	U-744	37771
												G-5839	60582	
												G-7657		

TOWNSHIP 41S RANGE 10E W. M. SECTION 7 Lots

NE NW SW SE				NE NW SW SE				NE NW SW SE				NE NW SW SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
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												G-4861	G-4578	42933				
												56705						

TOWNSHIP 40S RANGE 9E W. M. SECTION 6 Lots

NE NW SW SE				NE NW SW SE				NE NW SW SE				NE NW SW SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES												16301	12104	57772 / 11669				
												U-249	U-224					
												G-6272	G5905					

TOWNSHIP 41S RANGE 10E W. M. SECTION 18 Lots

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ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES												56705		

TOWNSHIP 41S RANGE 9E W. M. SECTION 1 Lots

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Tues AM
Mar, 21

and Coats, California

Game phoned

the Klamath

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0 cfs from Klamath

for 19000 ac irrig.

Concerned about

ent. of water &

phone you Thursday

ng

Mike

du

April 25, 1977

Application No. **55748**
Permit No. **43334**

Name **Klamath Drainage District**

Address **280 Main St., Klamath Falls, OR 97601**

Assigned

Address

Beginning construction **SEP 5 1979**

Completion of construction **OCT 1 1980**

Extended to

Complete application of water **OCT 1 1981**

Extended to

ORIG APPLIC 1130

PHONE CALL

FOR Wed. 03201 DATE 3-12 TIME 404 A.M.
P.M.

M SAM HENZEL

OF CLEAN COPY -

PHONED

PHONE FAX MOBILE (541) - 883 - 3466

RETURNED YOUR CALL

MESSAGE Ans 55748

PLEASE CALL

K. Falls 97603 per 43334

WILL CALL AGAIN

KLAM - per #

CAME TO SEE YOU

NEED - RES. DRAINAGE

WANTS TO SEE YOU

SIGNED

HighMark FORM C4-400

ELEVATORS - STAR

NOTES

SAM HEWZEL

20201 HWY 979

K FARE 97603

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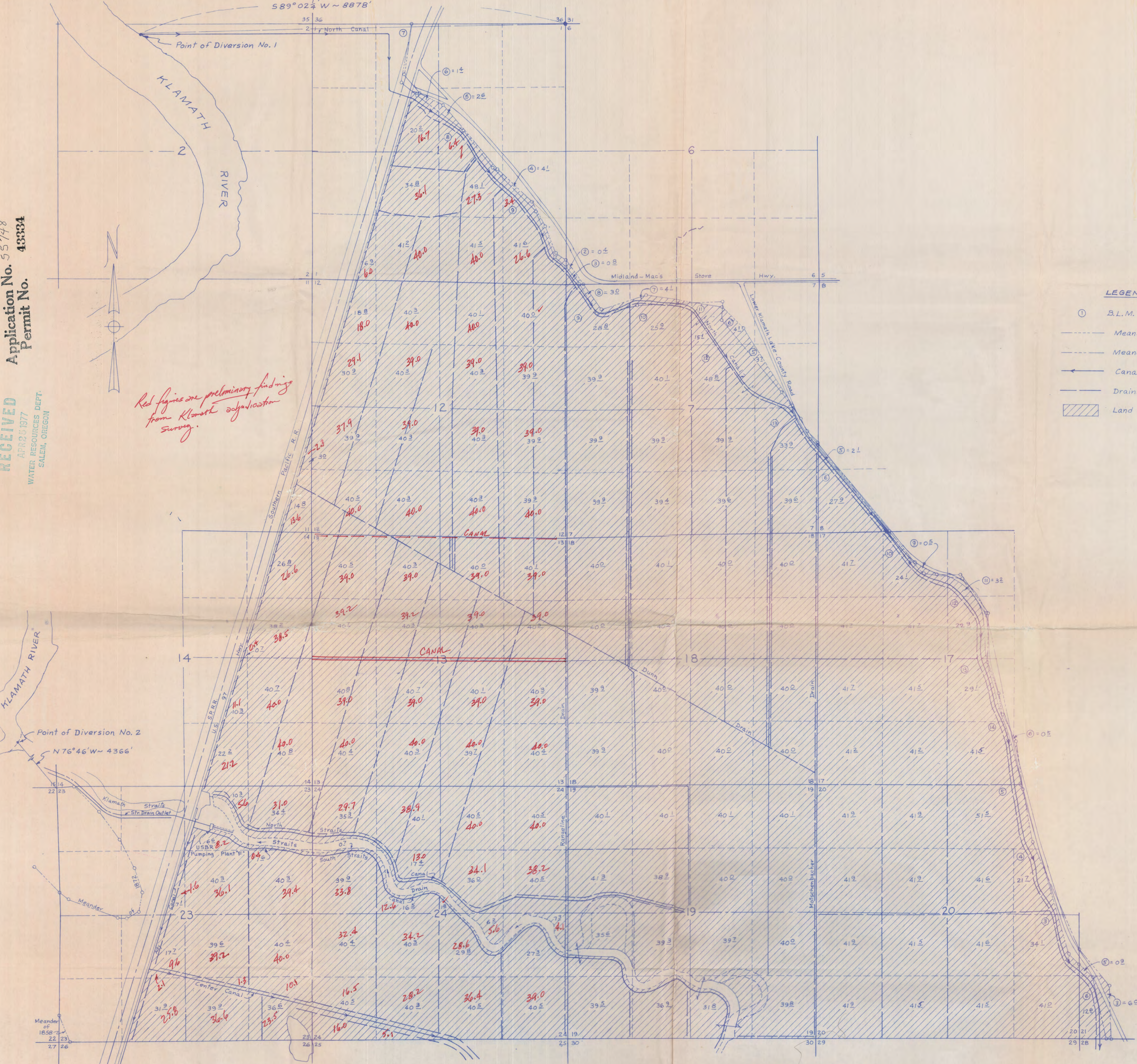
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Application No. 55748
Permit No. 43334

RECEIVED
APR 23 1977
WATER RESOURCES DEPT.
SALEM, OREGON

Red figures are preliminary findings from Klamath adjustment survey.



LEGEND

- ① B.L.M. Lot Numbers
- Meander of 1858
- Meander of 1872
- Canals
- Drains
- ▨ Land to be irrigated

T. 40 S., R. 8 E., W.M.

T. 40 S., R. 9 E., W.M.

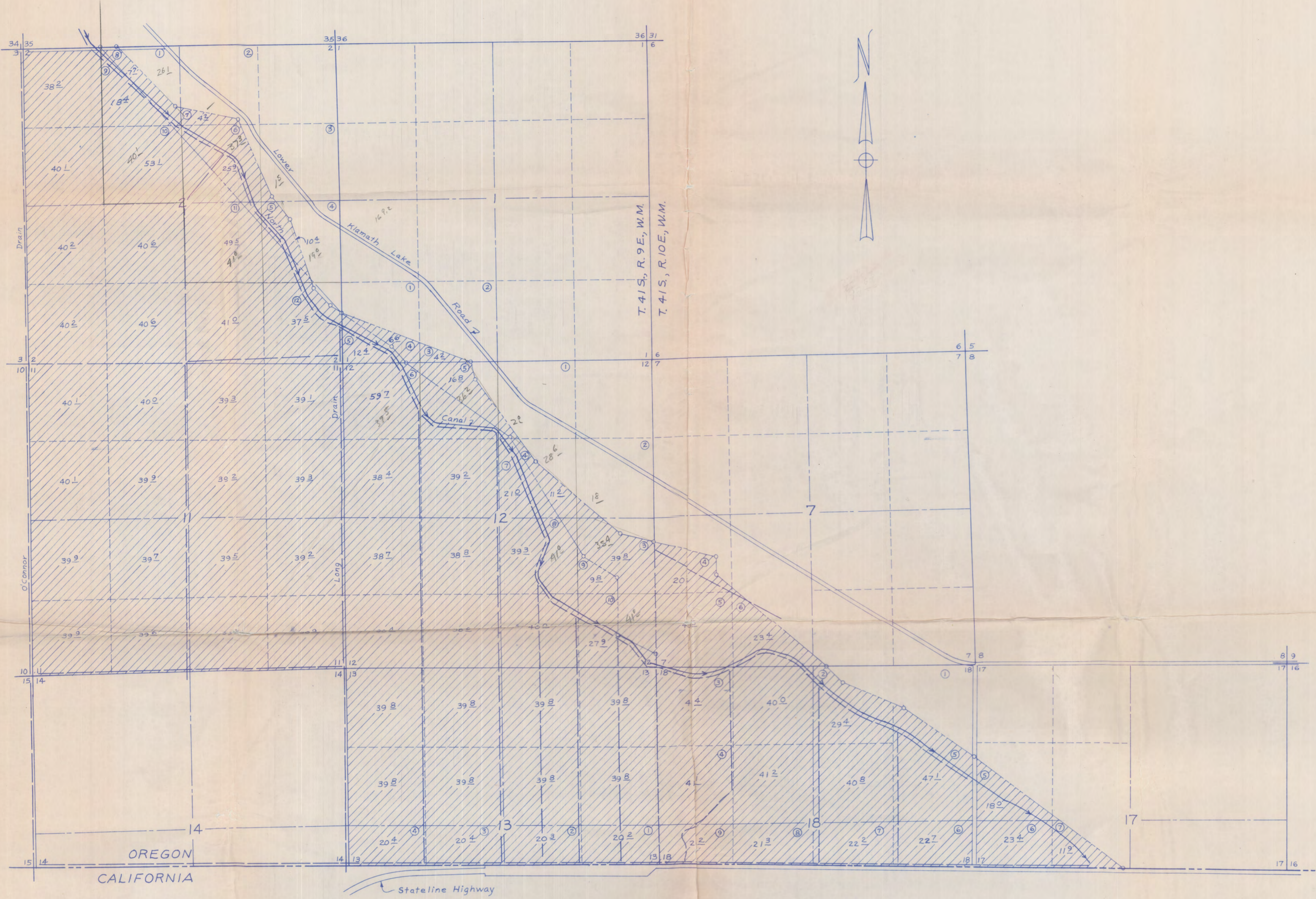
Drawing Sheet No. 1 of 4

MAP SHOWING LANDS TO BE IRRIGATED
BY
KLAMATH DRAINAGE DISTRICT
IN
SEC. 1, 11, 12, 13, 14, 23 & 24, T. 40 S., R. 8 E., W.M.
& SEC. 6, 7, 8, & 17 thru 21, T. 40 S., R. 9 E., W.M.
KLAMATH COUNTY, OREGON



Scale: 1" = 1000'
Map prepared by: **WILLIAM L. WALES & Associates**
Consulting Engineers
Klamath Falls, Oregon

April, 1977

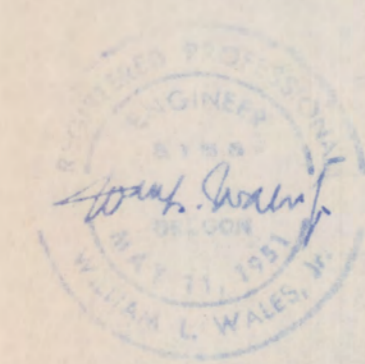


LEGEND

- ① B.L.M. Lot Numbers
- Meander of 1858
- Meander of 1872
- ← Canals
- Drains
- ▨ Lands to be irrigated.

Drawing Sheet No. 4 of 4

MAP SHOWING LANDS TO BE IRRIGATED
 BY
KLAMATH DRAINAGE DISTRICT
 IN
 SECTIONS 1, 2, 11, 12 & 13, T. 41S., R. 9E., W.M.
 & SECTIONS 7, 17 & 18, T. 41S., R. 10E., W.M.
 KLAMATH COUNTY, OREGON
 Scale: 1" = 1000'
 Map prepared by: **WILLIAM L. WALES & Associates**
 Consulting Engineers
 Klamath Falls, Oregon
 April, 1977



Application No. 55748
Permit No. 43334

RECEIVED
APR 25 1977
WATER RESOURCES DEPT
SALEM, OREGON



LEGEND

- ① B.L.M. Lot Numbers
- Meander of 1858
- Meander of 1872
- ← Canals
- Drains
- ▨ Lands to be irrigated

Drawing Sheet No. 2 of 4

MAP SHOWING LANDS TO BE IRRIGATED
BY
KLAMATH DRAINAGE DISTRICT
IN
SEC. 25, 26, 27, 34, 35 & 36, T. 40 S., R. 8 E., W.M.
& SEC. 1, 2, 3, & 10 thru 14, T. 41 S., R. 8 E., W.M.
KLAMATH COUNTY, OREGON

Scale: 1" = 1000'
Map prepared by: WILLIAM L. WALES & Associates
Consulting Engineers
Klamath Falls, Oregon
April, 1977



Application No. 55748
Permit No. 43334

AFR 25 1977
WATER RESOURCES DEPT
SALEM, OREGON



- LEGEND**
- ① B.L.M. Lot Numbers
 - Meander of 1858
 - Meander of 1872
 - Canals
 - Drains
 - ▨ Lands to be irrigated

Drawing Sheet No. 3 of 4

MAP SHOWING LANDS TO BE IRRIGATED
BY
KLAMATH DRAINAGE DISTRICT
IN
SECTIONS 27 thru 35, T.40S, R.9E, W.M.
& SECTIONS 3, 5, 6, 7, 8, T.41S, R.9E, W.M.
KLAMATH COUNTY, OREGON
Scale: 1" = 1000'



Map prepared by: **WILLIAM L. WALES & Associates**
Consulting Engineers