

Name Jay A. Fairclo

By

Address Rt. 2, Box 581

.....Klamath Falls, Oregon.....

Date filed August 7, 1957

Priority August 7, 1957

Action suspended until 12/1/87

Returned to applicant

Date of approval October 25, 1957

CONSTRUCTION

Date for beginning October 25, 1958

Date for completion October 1, 1959

Extended to

Date for application of water.....October 1, 1960.....

Extended to

PROSECUTION OF WORK

Form "A" filed Begun

Form "B" filed June 25, 1958

Form "C" filed June 25, 1958

FINAL PROOF

Blank mailed FEBRUARY 25 1962

Proof received

Date certificate issued MARCH 23 1962

Application No. 31777

Permit No. 25089

Certificate No. 29627

Stream Index, Page No. 14-20A.

FEES PAID

Date	Amount	Receipt No.
8/7/57	34.20	12956

3/2/62	B. P. Fee	
	\$1 Cert. Fee	32937

FEES REFUNDED

[illegible]

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

3.43 c.f.s. from Blue Creek for irrigation of 274 acres.

Form B

Application No. ³¹⁷⁷⁷~~25089~~

NOTICE OF COMPLETION OF CONSTRUCTION

I, Jay A. Faurelo, the holder of Permit No. 25089
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 2 day of Aug., 1957.

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 2 day of Aug., 1957.

Jay A. Faurelo
(Signature of Applicant)

(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.
Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

Application No. 31777

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Jay A. Faurelo, the holder of Permit No. 25089
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the 22 day of June, 1958.

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of June, 1958.

Jay A. Faurelo
(Signature of Applicant)

(Address)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MAY 19, 2004

DAVID HARDER
999 18TH STREET, SUITE 945
DENVER, CO 80202

Ref. File S31777

Dear Mr. Harder:

I am pleased to send you copies of File S31777 in the name of Jay A. Fairclo. This copy project was requested by Karen Wogsland, Spronk Water Engineers, Inc.

If you have any questions, please do not hesitate to contact me. My phone number is 503-986-0803.

Sincerely,

Connie Vance
Customer Service Rep.
Water Rights Information

cc: Karen Wogsland
file S31777
customer acct. file



Spronk Water Engineers, Inc.

1000 Logan Street • Denver, Colorado 80203-3011 • 303.861.9700 • fax 303.861.9799

Dale E. Book
Douglas H. Clements
Gregory K. Sullivan
Mary Kay Brengosz
Brent E. Spronk (1955-1996)

Memorandum

TO: Connie Vance
FROM: Karen L. Wogsland
DATE: May 19, 2004
RE: Klamath Basin Adjudication

I am requesting copies of the Oregon Water Resource Department files for the following water filings associated with the Klamath basin adjudication. Please include the entire contents of the relevant files, including the application and all correspondence. In addition, please send the copies to:

David Harder
999 18th Street, Suite 945
Denver, CO 80202

Application No.	Permit No.	Certificate No.	Names	Associated Klamath Basin Claim No.
S 31777	S 25089	29627	J.A. Fairclo	78

Copy and delivery costs should be charged to the Spronk Water Engineer, Inc. account. If there are any problems with this request, please call me at 303-861-9700. Thank-you.

STATE OF OREGON
COUNTY OF KIAMATH
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAY A. FAIRCLO

of Rt. 2, Box 581, Klamath Falls, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hina Creek:

a tributary of Sycan River
irrigation of 134 acres

for the purpose of

under Permit No. 25089 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 7, 1957

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.35 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 34S., R. 12E., W. M.:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.4 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
16.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
T. 34 S., R. 12 E., W. M.
20.4 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
37.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
25.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4
1.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
27.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5
T. 35 S., R. 12 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. MARCH 23 1962

LEWIS A. STANLEY

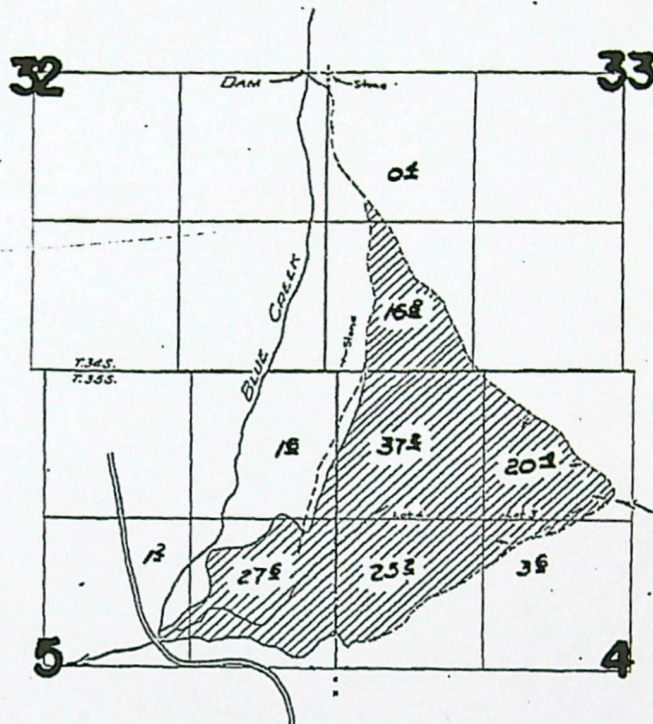
State Engineer

25089

29627

T. 34 & 35 S. R. 12 E. W. M.

Sycan R. below Sycan marsh



FINAL PROOF SURVEY UNDER

Application No. 31777... Permit No. 25089...
IN NAME OF

JAY A. FAIRFELD

Surveyed 17 July 1961, by M. B. B.

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Jay A. Vainola (Name of applicant)
 of Pt. 2, Box 581, Klamath Falls (Mailing address)
 State of Oregon, 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 _____

1. The source of the proposed appropriation is Blue Creek (or Milk Creek) (Name of stream)
 _____, a tributary of Sycan River

2. The amount of water which the applicant intends to apply to beneficial use is 3.425
 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 _____ (Section or subdivision)

1. West — 450 feet

2. S 31° W — 670 feet

Both diversion points are from the East 1/4 corner of Section 32

(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 NE 1/4 SE 1/4 of Sec. 32, Tp. 34 S
 (Give smallest legal subdivision) (N. or S.)

R. 12 E, W. M., in the county of Klamath
 (E. or W.)

5. The Main Ditches (three) to be 1. 8400 ft. 3. 4600 ft.
 (Main ditch, canal or pipe line) (Miles or feet)
2. 3600 ft.
 in length, terminating in the 1. SW 1/4 NW 1/4 Sec. 4, 2. SE 1/4 NE 1/4 of Sec. 5, SW 1/4 NE 1/4 Sec. 5, T35S,
 (Smallest legal subdivision) (N. or S.)

R. 12 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 two timber headgates — 24", one at each diversion point.
 (Timber, concrete, etc., number and size of openings)

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

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) four feet; width on bottom one feet; depth of water two feet; grade one feet fall per one thousand feet.

(b) At end of ditch miles from headgate: width on top (at water line) same feet; width on bottom same feet; depth of water same feet; grade same feet fall per one thousand feet.

(c) Length of pipe, None ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use NW 1/4 Sec. 4 and NE 1/4 Sec. 5, T. 35 S., R. 12 E. W. M.

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
35 1/2 South	12 East	4	NW 1/4 NW 1/4	40 ✓
"	"	4	NE 1/4 NW 1/4	26.5 ✓
"	"	4	SW 1/4 NW 1/4	32 ✓
"	"	4	SE 1/4 NW 1/4	15.5 ✓
"	"	5	NW 1/4 NE 1/4	40 ✓
"	"	5	NE 1/4 NE 1/4	40 ✓
"	"	5	SW 1/4 NE 1/4	40 ✓
"	"	5	SE 1/4 NE 1/4	40 ✓
				274

(If more space required, attach separate sheet)

(a) Character of soil Pumice and loam

(b) Kind of crops raised Grass for pasture

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec. ,
(Legal subdivision)

Tp. , R. , W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

 , Sec. , Tp. , R. , W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

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, \$ 2000.00
12. Construction work will begin on or before Already begun
13. Construction work will be completed on or before August, 1958
14. The water will be completely applied to the proposed use on or before August, 1958

Jay A. Farello
 (Signature of applicant)

Remarks: _____

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 _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19_____.

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

STATE ENGINEER

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 3.43 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 Blue Creek

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/40 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.

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 August 7, 1957

Actual construction work shall begin on or before October 25, 1958 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1959.

Complete application of the water to the proposed use shall be made on or before October 1, 1960.

WITNESS my hand this 25th day of October 1957

Lewis A. Stanley
STATE ENGINEER

Application No. 31777
Permit No. 25089

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 7 day of August,
1957, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

October 25, 1957 of
Recorded in book No. 67
Permits on page 25089

LEWIS A. STANLEY
STATE ENGINEER

14-20A

State Printing

\$ 34 20

Permit No. 25089

Application No. 31777

County Klamath

Proof of Appropriation of Water

1. Name Jay A. Fairclo 2. Address Rt. 2 Box 581 - Klamath Falls, Ore.
3. Source of supply Blue Creek
- Tributary of Sycan River
4. Amount of water 3.36 c.f.s. 5. Priority date August 7, 1957
6. Use Irrigation - 1/40th and 3 a.f.
7. Location of point of diversion NE 1/4 SE 1/4 Sec. 32, Twp. 34 S., Range 12 E., W. M.
(Legal Subdivision)
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
35 S	12 E	4	(NW 1/4 NW 1/4)	40 37.2
		3	(NE 1/4 NW 1/4)	26.5 20.4
		3	SW 1/4 NW 1/4	32 25.2
		6	SE 1/4 NW 1/4	15.5 3.6
		5	NW 1/4 NE 1/4	40
		1	NE 1/4 NE 1/4	40 1.6
		8	SW 1/4 NE 1/4	40 1.2
		9	SE 1/4 NE 1/4	40 27.6
34 S	12 E	33	NW 1/4 SW 1/4	274 0.4
		2	SW 1/4 SW 1/4	16.8
				134.0

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

19.....

66K-59

1961-D
CNO-66K-59
July 17 1961
M.B.

66K-59 (no cons located)

REPORT OF PERSON MAKING INSPECTION

Description of works:

Info - Mrs. Fair Clo

Div. Dam - approx 150 ft long - 3 ft high - Takes entire flow of Creek into ditch

4' Flat bottom - 2' deep - 3:1 slopes on the average

"West ditch" West of Blue Creek was const in '58

& div. pt. was upstr. from East ditch

div. pt. - No use of this ditch since

Consto. ditch runs out onto rocky

Knolls - Not enough water last 3 yrs. to use

land irrig. is for the most part a natural grass meadow

irrigation ~~is~~ by ditches & flooding

I,, do hereby certify that I have made an inspection of the works described herein and in Permit No. 25089, on the 17 day of July, 1961, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of

(Quantity of water in second-feet or acre-feet)

and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

(Name)

(Title)

8-6-57

Legal Description of Jay A. Fairclo
To Accompany Water Right Application

The NE $\frac{1}{4}$ of Section 5, T 35 S, R 12 E $\frac{1}{2}$ and the S $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 4 and Lots 3 & 4, Section 4, T 35 S, R 12 E $\frac{1}{2}$, Klamath
County, Oregon

Examination fee = \$10.00
Recording fee = 24.20
Total = \$34.20

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AUG 7 1957
STATE ENGINEER
SALEM, OREGON

RECEIVED

JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

ASSIGNMENT OF WATER RIGHTS

It is recited that the undersigned, Richard S. Fairclo, has sold undivided interest in certain real property described in Exhibit "A" attached hereto to JELD-WEN, inc., an Oregon corporation. It is further recited that the other undivided 1/2 interest in said real property is owned by David P. Fairclo. The undersigned hereby declares and assigns to result in the following water rights and claims to vest in Jeld-Wen, inc. as to an undivided 1/2 interest and David P. Fairclo as to an undivided 1/2 interest:

1. Application # 31777, Permit # 25089, Certificate #29627, irrigation.
2. Claim in Klamath River Adjudication, receipt #70440 (claim for irrigation and overflow of 183.9 acres).
3. Claim in Klamath River Adjudication, receipt #70442 (claim for stock watering ponds).

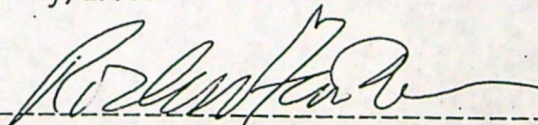
Address of JELD-WEN, inc.:

3250 Lakeport Blvd.
Klamath Falls, Oregon 97601

Address of David P. Fairclo:

1668 N.E. Canyon Park Drive
Bend, Oregon 97701

Dated this 9th day of January, 1997.



Richard S. Fairclo
280 Main Street
Klamath Falls
Oregon 97601

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SALEM, OREGON

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Section 28 - W1/2 SW1/4; N1/2 NE1/4 SW1/4; S1/2 SE1/4 SW1/4
Section 32 - E1/2
Section 33 - NW1/4

All being in Township 34 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

Section 4 - All
Section 5 - E1/2
Section 9 - N1/2; SE1/4
Section 10 - All

All being in Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

RICHARD SCOTT FAIRCLO,
Grantor(s) hereby grant, bargain, sell and convey to:
JELD-WEN, inc., an Oregon corporation,
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of KLAMATH and State of Oregon, to wit:

ALL OF HIS UNDIVIDED ONE-HALF INTEREST IN AND TO THE PROPERTY DESCRIBED
IN EXHIBIT A ATTACHED WHICH IS MADE A PART HEREOF BY THIS REFERENCE.

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any:
See Exhibit B for a list of exceptions which is made a part hereof by
this reference.

This Deed is being given from the Grantor directly to Grantee at the
instruction and direction of American Exchange Services.

and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is pursuant to an IRC
1031 exchange on behalf of Grantor and/or Grantee.

Until a change is requested, all tax statements shall be sent to Grantee at the
following address: 3250 Lakeport Blvd., Klamath Falls, OR 97601

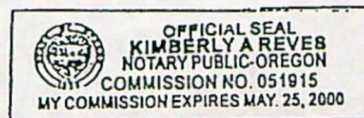
Dated this 9th day of January, 1997.

[Signature]
RICHARD SCOTT FAIRCLO

STATE OF OREGON ss. January 9 1997
COUNTY OF KLAMATH

Personally appeared the above named RICHARD SCOTT FAIRCLO

and acknowledged the foregoing instrument to be his voluntary act.



Before me:

[Signature]

Notary Public for Oregon

My commission expires 5/25/2000

(seal)

ESCROW NO. MT39576-KA

Return to:
JELD-WEN, inc.
3250 Lakeport Blvd.
Klamath Falls, OR 97601

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WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

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EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Section 28 - W1/2 SW1/4; N1/2 NE1/4 SW1/4; S1/2 SE1/4 SW1/4
Section 32 - E1/2
Section 33 - NW1/4

All being in Township 34 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

Section 4 - All
Section 5 - E1/2
Section 9 - N1/2; SE1/4
Section 10 - All

All being in Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

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JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

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EXHIBIT "B"
EXCEPTIONS

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. Financing Statements or Federal Tax Liens, if any, filed with the Secretary of State.
3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. Rights of the public and of governmental bodies in and to that portion of the herein described premises lying below the ordinary high water mark of Blue Creek.
5. Subject to the terms and provisions set out in Land Status Report recorded November 26, 1956 in Volume 306, page 682, Deed Records of Klamath County, Oregon, as follows:

"The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(SW1/4 Section 28)

6. Subject to the terms and provisions set out in Land Status Report recorded September 4, 1958 in Volume 303, page 216, Deed Records of Klamath County, Oregon, as follows:

"The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(SE1/4 Section 32)

7. Subject to the terms and provisions set out in Land Status Report recorded August 27, 1958 in Volume 302, page 482, Deed Records of Klamath County, Oregon, as follows:

"The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(NE1/4 Section 32)

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JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

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8. Subject to the terms and provisions set out in Land Status Report recorded September 4, 1958 in Volume 303, page 193, Deed Records of Klamath County, Oregon, as follows:

"The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(NW1/4 Section 33)

9. Subject to the terms and provisions set out in Deed, recorded January 22, 1959 in Volume 309, page 59, Deed Records of Klamath County, Oregon, as follows:

"Title to the above described property is conveyed subject to any existing easements for public roads and highways, for public utilities and for railroads and pipe lines and for any other easements or rights of way of record; subject also to the right of the United States and its assigns to maintain and use roads located thereon, pursuant to Section 28 (1) of the above mentioned Act as amended."

(S1/2 Section 4)

10. Reservation as disclosed in Patent, subject to the terms and provisions thereof, recorded April 24, 1957 in Volume 291, page 354, Deed Records of Klamath County, Oregon, as follows:

"Subject to the reservation of all subsurface rights, except water, to the heirs of Laura W. Godawa, their heirs and assigns under the terms approved by the Secretary of the Interior, March 25, 1946, pursuant to said Act."

(NW1/4 Section 4)

11. Subject to the terms and provisions set out in Land Status Report recorded September 4, 1958 in Volume 303, page 212, Deed Records of Klamath County, Oregon, and also recorded June 15, 1960 in Volume 322, page 75, Deed Records of Klamath County, Oregon, as follows:

"The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(NE1/4 Section 4)

12. Reservation as disclosed in Patent, subject to the terms and provisions thereof, recorded April 24, 1957 in Volume 291, page 352, Deed Records of Klamath County, Oregon, as follows:

"This patent is issued under authority of Section 1 of the Act of June 25, 1910 (36 Stat. 855), and is subject to the reservation of all subsurface rights, except water, to the heirs of Numa Godawa, their heirs and assigns under the terms approved by the Secretary of the Interior, March 25, 1946, pursuant to said Act."

(NE1/4 Section 5)

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JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

766

13. Reservation as contained in Deed to Restricted Indian Land, subject to the terms and provisions thereof, recorded September 26, 1957 in Volume 294, page 489, Deed Records of Klamath County, Oregon, as follows:

"Any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of records. All subsurface rights, except water, are hereby reserved, in trust, to the grantor, pursuant to the provisions of the Act of August 13, 1954 (68 Stat. 720)."

(SE1/4 Section 5)

14. Subject to the terms and provisions as set out in Deed, recorded May 8, 1959 in Volume 312, page 298, Deed Records of Klamath County, Oregon, as follows:

"Subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

(N1/2, SE1/4 Section 9 and all of Section 10)

15. Notwithstanding Paragraph 4 of the insuring clauses of the policy, the policy will not insure against loss arising by reason of any lack of a right of access to and from the land.

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JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

31129

MC. 31576 KA

Vol. 1997 Page 767

TIMBER DEED

RICHARD SCOTT FAIRCLO, hereinafter referred to as "Grantor"), whose address is 280 Main Street, Klamath Falls, OR 97601, do hereby grant, bargain, sell and convey unto JELD-WEN, inc., whose address is 3250 Lakeport Blvd., Klamath Falls, OR 97601, its successors and assigns (hereinafter referred to as "Grantee") all of the merchantable timber lying or standing upon certain real property in Klamath County, Oregon, more particularly described as follows: S1/2 NE1/4 SW1/4 of Section 28, Township 34 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon

TO HAVE AND TO HOLD the same unto the said Grantee for the period hereinafter stated.

Grantor hereby covenants to and with Grantee that Grantor is lawfully seized in fee simple of the Real Property, that the same are free and clear from all liens and encumbrances, and that Grantor shall warrant and defend the title to said merchantable timber against the claims and demands of all persons whatsoever. The term "merchantable timber" as used herein shall mean and include all down and standing timber currently, or at any time prior to harvest, measuring twelve inches (12") or more D.B.H. Grantee shall have the right to enter upon the Real Property and to remove such merchantable timber therefrom at any time, and as many times as Grantee shall desire, in perpetuity. Grantee shall have the right with its agents, representatives, contractors and employees, (1) to enter upon and freely occupy the Real Property, (2) build and use roads, flumes, skids, trams and other ways and railroads, (3) use water on such Real Property and sites for logging purposes and (4) erect any structures upon the Real Property reasonably required by Grantee. Any structures constructed on the Real Property by Grantee shall become the sole property of the Grantor.

Any new roadways constructed on or across the Real Property by the Grantee shall be constructed in such a manner as to minimize soil erosion on the Real Property or any other property, and culverts and ditches shall be installed and constructed as necessary. Maintenance and repair of all new and existing roadways on the Real Property during any period when said roadways are being used by the Grantee for logging purposes shall be the responsibility of the Grantee and shall be performed by the Grantee on a prompt, diligent, and regular basis in accordance with generally accepted road maintenance standards and in accordance with all federal, state, and local laws and regulations. During periods of logging, heavy hauling, road construction or repair on or about the Real Property, the Grantee shall maintain public liability insurance in reasonable amounts.

Grantee shall at all times observe and conform to all local, state, and federal laws and regulations relating to the Grantee's operations on the Real Property, including the orders and directions of the state forester and the state fire marshal, and shall cooperate with all public bodies and officials in the prevention and suppression of fires on or threatening the Real Property. The Grantee shall use reasonable diligence and precaution to prevent uncontrolled fires from occurring as a result of logging, hauling, or construction operations on the Real Property by any person under Grantee's control.

Grantee shall use its best efforts, and shall conduct its operations according to the generally accepted logging practices prevailing in the area, in order to log the merchantable timber from the Real Property so as to avoid damage or downgrading of any timber which could be expected to grow to such a size as to be merchantable. The Grantee shall have the duty of complying with all laws, rules, and

After recording return to:
JELD-WEN, inc.
3250 Lakeport Blvd.
Klamath Falls, OR 97601

RECEIVED

JAN 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

768

regulations relating to slash disposal, reforestation, and other forestry practices with respect to logging operations conducted by the Grantee on the Real Property. The Grantee shall use reasonable care in felling, cutting, and removing timber from the Real Property so as to avoid any damage to growing crops or fences on the Real Property or any adjacent lands, and shall hold harmless and indemnify the Grantor and successors from and against any and all such damages or liabilities.

Grantor shall keep and maintain all merchantable timber free and clear of all liens and encumbrances and shall pay when due all taxes upon the Real Property during such period. Grantor shall further take all reasonable precaution to keep and maintain such merchantable timber free from damage and loss by fire or other causes during period.

Grantee shall pay all taxes and assessments levied or charged by reason of the cutting and removal of any merchantable timber.

Grantee shall be responsible for all recording fees associated with this Timber Deed.

Grantor make no warranties or representations concerning the quantity or quality of any timber on the Real Property.

if the true and actual consideration of this deed is \$3,000 KST
Grantee and Grantor shall each defend, indemnify, and hold harmless one another from and against any liability, loss, or expense to the extent such liability, loss, or expense is caused by the negligent or intentional acts or omissions of the other or such other's agents, representatives, or employees.

Executed by Grantor this 9th day of January, 1997.

GRANTOR:

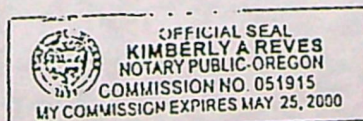
Richard Scott Fairclo
by: RICHARD SCOTT FAIRCLO
title: _____

State of Oregon)

) ss.

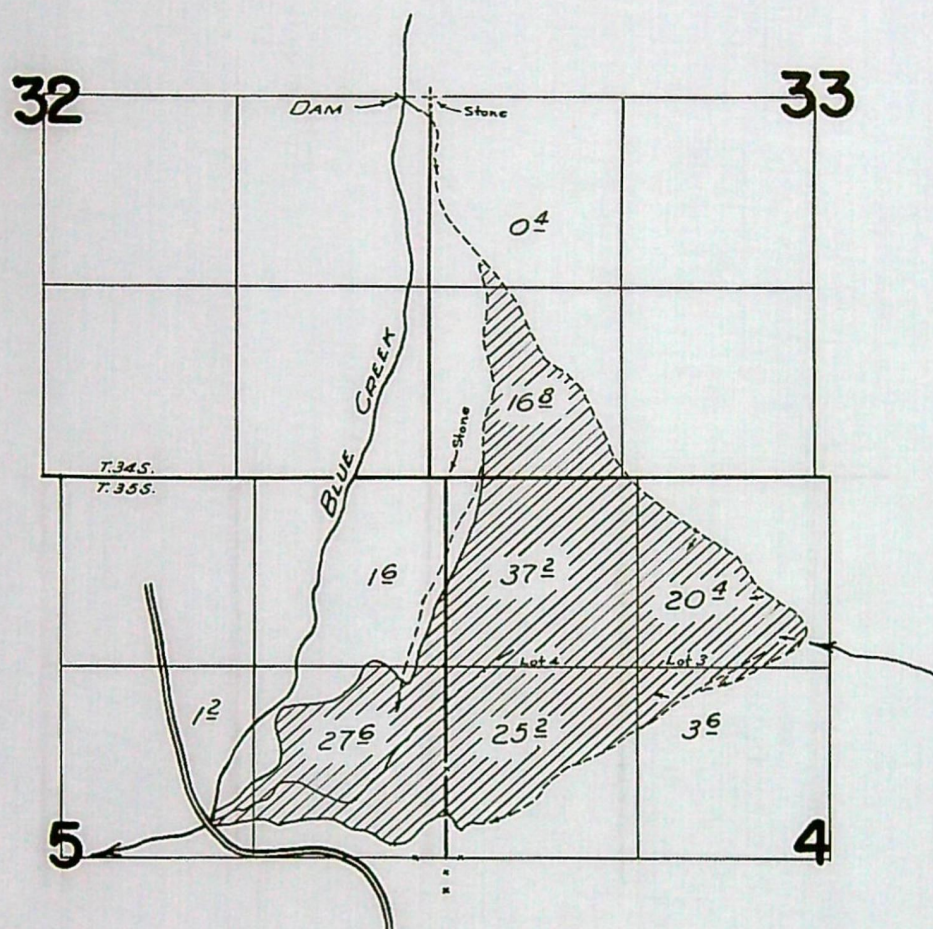
County of Klamath)

On this 9 day of January, 1997, personally appeared Richard Scott Fairclo and acknowledged the foregoing instrument to be his voluntary act and deed.



Kimberly A. Reves
Notary Public for the State of Oregon
My Commission expires: 5/25/2000

T. 34 & 35 S. R. 12 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. 31777... Permit No. 25089...
IN NAME OF

JAY A. FAIRCLO

Surveyed 17 JULY 1961, by M. B. Bish

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

RECEIVED
MAR 2 1962
STATE ENGINEER
ALBION OREGON

This Is to Certify, That **JAY A. FAIRCLO**

of **Rt. 2, Box 581, Klamath Falls**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Blue Creek**

a tributary of **Sycan River** for the purpose of **irrigation of 134 acres**

under Permit No. **25089** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **August 7, 1957**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **3.35 cubic feet per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 34S., R. 12 E., W. M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.4 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
16.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
T. 34 S., R. 12 E., W. M.
20.4 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
37.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
25.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4
1.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
27.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 5
T. 35 S., R. 12 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

251 FINANCE BUILDING
170 12TH STREET S. E.

REFER TO
FILE NO. 31777

Jay A. Fairclo
Rt. 2, Box 581
Klamath Falls, Oregon

Dear Mr. Fairclo:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. 25089..... You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following final proof. A fee of \$1.00 is required for recording your certificate of water right in the office of the County Clerk. The fee of \$1.00, together with this signed draft, must be returned to the State Engineer.

Very truly yours,

LEWIS A. STANLEY
State Engineer

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

Feb 28 '62
(Date)

Jay A. Fairclo
(Signature)

29 6 27

134 a.

3.35 - 08.

Blue Creek

P25 ~~00~~ 9

Number 1290

~~20~~
Check

20

M.O. .

Cash

_____ Surface

_____ Reservoir

_____ Ground Water

_____ Transfer

_____ Copying

_____ Assignment

_____ Extension of Time

31777

January 6, 1961

Jay A. Fairclo
Rt. 2, Box 581
Klamath Falls, Oregon

Dear Mr. Fairclo:

Other than continued use of water, no further action is required under your permit number 25089 until we have made the customary final proof survey which we hope to make next summer. It has not been possible to make these surveys immediately after the completion notices are submitted.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:kr

72

State Engineer
Salem Ore

Jan 5-61
Rt 2 Box 581
Klamath Falls Ore
RECEIVED
JAN 5 1961
STATE ENGINEER
SALEM, OREGON

I have been expecting to receive a water right on Blue Creek, covered by permit no. 25089. If there is anything further I need to do to get this water right let me know.

Very Truly Yours
Jay A. Fairclo

June 30, 1958

Jay A. Fairclo
Route 2 Box 581
Klamath Falls, Oregon

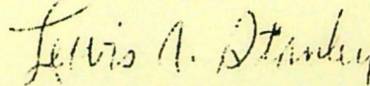
Dear Sir:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 25089.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date. After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,



LEWIS A. STANLEY
State Engineer

14
81

June 24, 1958

State Engineer
Salem
Oregon

RECEIVED
JUN 25 1958
STATE ENGINEER
SALEM, OREGON

Gentlemen:

Enclosed find Notice of Completion of Construction, also easement for Right-Of-Way for ditch across Tribal Land from Tribal Council and Regional Solicitor of Indian Bureau.

Jay A. Fairclo

Jay A. Fairclo

October 25, 1957

Jay A. Fairclo
Rt. 2, Box 581
Klamath Falls, Oregon

Dear Mr. Fairclo:

Enclosed find Application No. 31777, Permit No. 25089 with
blueprint.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS

Your permit has been recorded in this office but you should hold the original permit as evidence of your water right. If the land is sold an assignment to the new owner should be recorded in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the last page of the application, limits the time within which you may begin and complete construction of your project. According to the law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed and when the water has been completely applied to the proposed use, unless you have already submitted such information.

If your use of water is for irrigation, proof can be made and certificate issued only after you have actually irrigated ALL of the land described in the permit which you intend to irrigate at any time.

Whenever a measuring device becomes necessary for the proper distribution of water, the permittee will be required to install one to the satisfaction of the State Engineer as provided by ORS 540.310 and 540.330.

In connection with your proposed appropriation, please be advised that the late summer flow in most of the streams is required to satisfy existing rights and your permit as provided by law, grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Very truly yours,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

31777

September 25, 1957

Mr. Jay A. Fairclo
Rt. 2, Box 581
Klamath Falls, Oregon

Dear Mr. Fairclo:

This will acknowledge receipt of your letter of September 10, 1957, and advise you that your application No. 31777 is being placed in line for approval by issuance of the permit with the next group.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

ld

cc: Mr. Lyle C. Smith
Engineer

Klamath Falls, Oregon

September 10, 1957

31777

Oregon State Engineer
Salem
Oregon

RECEIVED
SEP 16 1957
STATE ENGINEER
SALEM, OREGON

Dear Sir:

I received a copy of your letter regarding water right and easement for right of way on Tribal and Allotted Land.

I showed this letter to the Indian Service, and they said they retain rights of way on Tribal and Allotted Land for all established ditches. They will send you a copy of this ruling.

As this is an old ditch that I rebuilt to irrigate the land better, I think it will cover it and you can record this ruling with the water right.

Very truly yours,

Jay A. Fairclo

Jay A. Fairclo

31777

September 4, 1957

Mr. Lyle C. Smith
Engineer
4657 Peck Drive
Klamath Falls, Oregon

Dear Mr. Smith:

This will acknowledge receipt of your letter of August 12, 1957, transmitting an application in the name of Jay A. Fairclo for a permit to appropriate 3.425 c.f.s. from Blue Creek (or Milk Creek) for the irrigation of 27 1/2 acres, the accompanying tracing and two prints, legal description and Mr. Fairclo's check in the amount of \$34.20 for which our Receipt No. 12956 is enclosed with Mr. Fairclo's copy of this letter.

The application which has been examined, given file No. 31777, appears to be in satisfactory form.

We would appreciate it if you would advise us whether Mr. Fairclo wishes to submit copies of the necessary easements to become a part of file No. 31777 prior to issuance of a permit. Further action is being withheld pending your reply.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By *Chw*
James W. Carver, Jr.
Assistant

JWC:mb
cc: Jay A. Fairclo

31777

4657 Peck Drive
Klamath Falls, Oregon

August 12, 1957

Mr. Chris Wheeler
Water Right Division
State Engrs. Office
Salem, Oregon

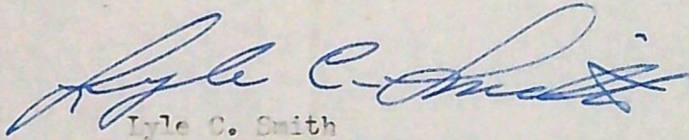
RECEIVED
AUG 14 1957
STATE ENGINEER
SALEM, OREGON

Dear Chris,

I recently submitted a map and application for water right for Mr. Jay A. Fairclough on land in NW $\frac{1}{4}$ Section 4 and NE $\frac{1}{4}$ Section 5, T 35 S, R 12 E $\frac{1}{2}$, Klamath County, Oregon. On the map, I was in error in indicating the land in the SE $\frac{1}{4}$ of Section 32 as being tribal land. This is Indian Allotment #354 in the name of Mary Godowa and is the location of the diversion point.

Mr. Fairclough has the assurance of the supervisor of the Indian Agency as to easement for ditches on both allotment and tribal land, but wished me to clarify this with your office so there would be no misunderstanding.

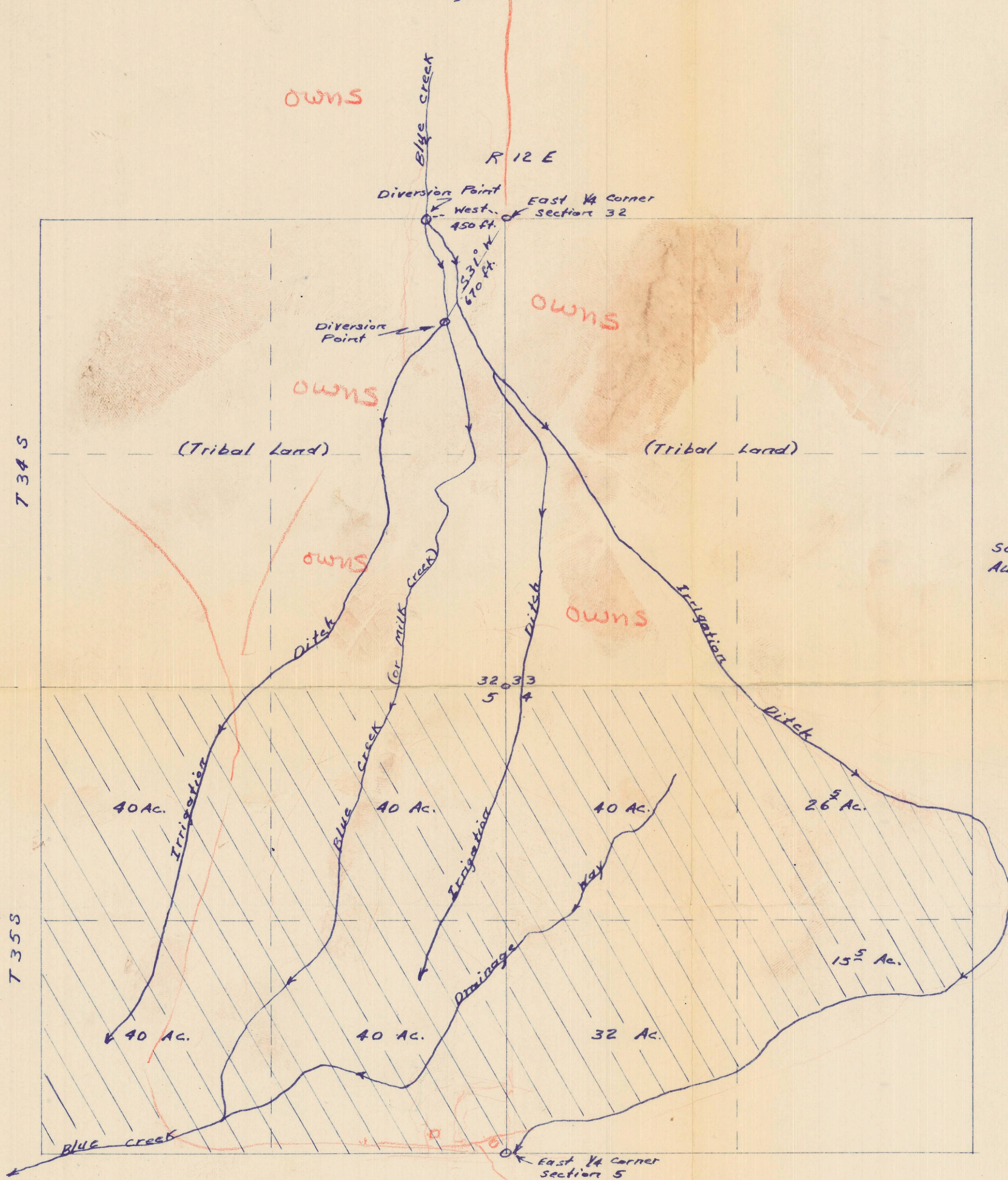
At your convenience, will you please send me your new bulletin on water right application and any other new material helpful on this subject? Thank you very much.


Lyle C. Smith

Engr. & Surveying

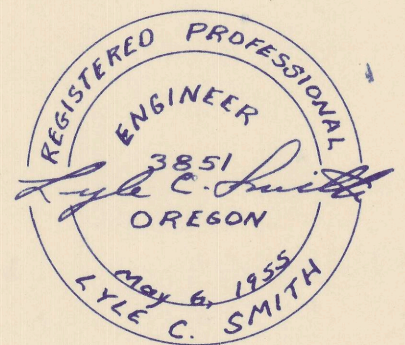
Sketch to Accompany Water Application
of Jay Fairclo
situated in SE 1/4 Sec. 32, SW 1/4 Sec. 33, T34S, R12EWM
and NW 1/4 Sec. 4, NE 1/4 Sec. 5, T35S, R12EWM,
Klamath County
Oregon

Total Irrigable Area = 274 Acres



I, Lyle C. Smith, of Klamath Falls, Oregon, do hereby
certify that this map was made from notes taken
during an actual survey, made by me on July 29,
1957; that corners shown are as located by U.S. Forest
Service markers, diversion points are as shown, and that
Aerial Photo CND 66K-59 was used as reference material.

Lyle C. Smith

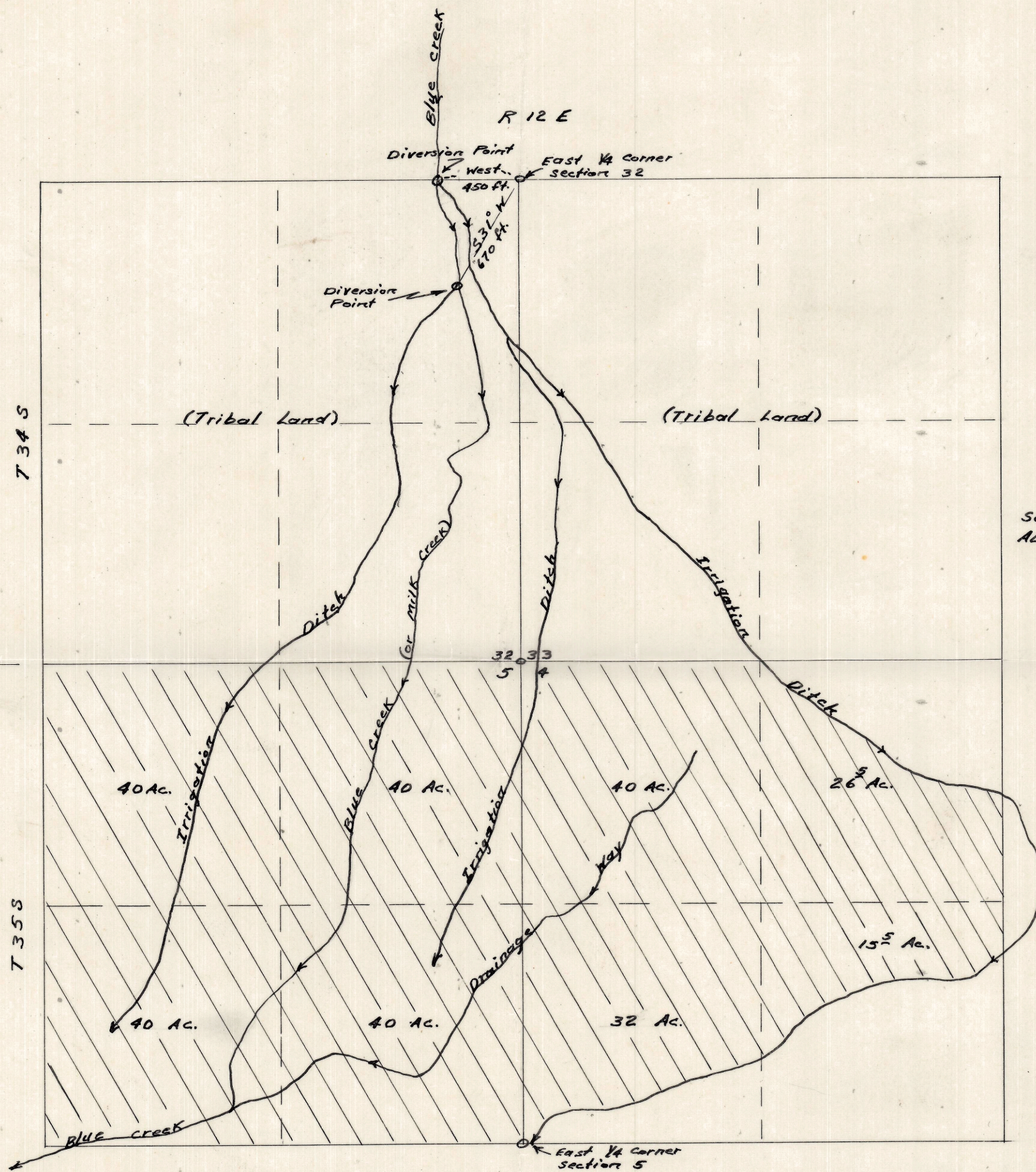


RECEIVED
AUG 7 1957
STATE ENGINEER
SALEM, OREGON

Application No. 31777
Permit No. 25089

Sketch to Accompany Water Application
of Jay Fairclo
situated in SE 1/4 Sec. 32, SW 1/4 Sec. 33, T34S, R12E
and NW 1/4 Sec. 4, NE 1/4 Sec. 5, T35S, R12E
Klamath County
Oregon

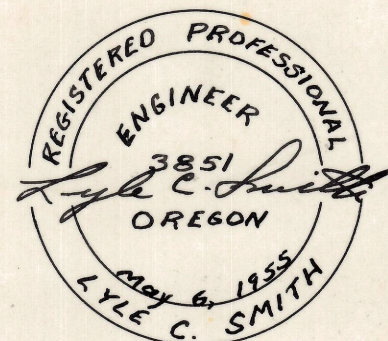
Total Irrigable Area = 274 Acres



Scale: 1"=660'
August 2, 1957

I, Lyle C. Smith, of Klamath Falls, Oregon, do hereby
certify that this map was made from notes taken
during an actual survey, made by me on July 29,
1957; that corners shown are as located by U.S. Forest
Service markers, diversion points are as shown, and that
Aerial Photo CND 66K-59 was used as reference material.

Lyle C. Smith



RECEIVED
AUG 7 1957
STATE ENGINEER
SALEM, OREGON

Application No. 31777
Permit No. 25089

9-19-52

CNO 66K-59

35°S 12°E
514

32

33

T. 34 S.

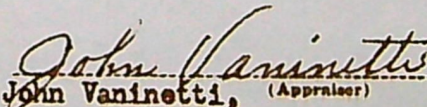
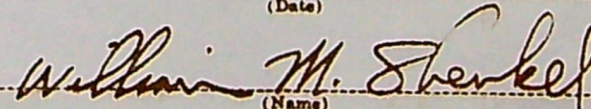
T. 35 S.

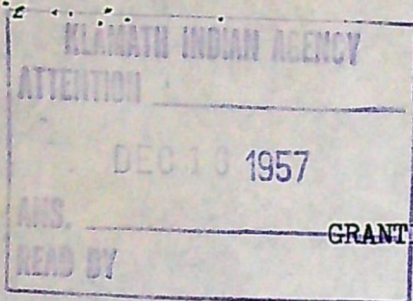
A 31777
Jay Fairclo
See
1961-D
Plane Table
E. ditch

5

4

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
BRANCH OF REALTY
APPRAISAL REPORT

AREA Portland	AGENCY Klamath
PROPERTY OF Klamath Tribe (Part of Economic Unit No. 15)	
ADDRESS Klamath Agency, Oregon	
PURPOSE OF APPRAISAL To determine fair market value of easement privileges for 50 years on 3.1 acres, more or less, for purpose of developing two existing irrigation ditches.	
LEGAL DESCRIPTION The subject tract is a strip of land 33 feet wide and consists of two existing irrigation ditches which are located in the W ¹ / ₄ SW ¹ / ₄ sec. 33, T. 34 S., R. 12 E., W.M., Oregon, owned by the Klamath Tribe (See attached map prepared by Lyle C. Smith, registered Engineer.)	
STATE Oregon	COUNTY Klamath TOWNSHIP 34 S. RANGE 12 E. W.M. XXX
NUMBER OF ACRES	TYPE AND CHARACTER
<p>APPAISED VALUATION AS OF January 28, 19-58</p> <p>FAIR ANNUAL RENTAL \$</p> <p>FAIR MARKET VALUE \$ 60.00</p>	
<p>I certify that I have carefully examined the above-described premises and the amount indicated represents my best unbiased judgment as to the present market value of the fee simple title thereto, except as otherwise indicated. I do further certify that I have no present or intended future interest therein.</p>	
JAN 29 1958 (Date)	 John Vaninetti, (Appraiser)
RECOMMENDED (Date)	APPROVED FEB 3 1958 (Date)
(Name)	 (Name)
(Title)	Reviewing Appraiser (Title)



27018 Vol 12 Page 494
No. 1957-69

R E S O L U T I O N

GRANTING IRRIGATION RIGHT-OF-WAY OVER TRIBAL LAND

WHEREAS, Mr. Jay A. Fairclo purchased the Laura Godowa Allotment No. 350 described as the S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 3,4 Sec. 4, T. 35 S., R. 12 E., W.M., Oregon, and Allotment No. 352 described as the NE $\frac{1}{4}$ Sec. 5, T. 35 S., R. 12 E., W.M., Oregon, by advertised sale through competitive bidding,

WHEREAS, irrigation water has been taken across Tribal land through two ditches for the past 25 years to irrigate the above described land,

WHEREAS, the Regional Solicitor of Portland has rendered the opinion that the purchaser of the subject allotments must secure an irrigation right-of-way across the Tribal lands to protect his former irrigation water rights,

NOW, THEREFORE BE IT RESOLVED, that the Klamath Executive Committee approve an irrigation right-of-way through the SW $\frac{1}{4}$ Sec. 33, T. 34 S., R. 12 E., W.M., Oregon, to Jay A. Fairclo, at appraised value.

CERTIFICATION

We hereby certify that the above resolution was duly adopted at a meeting of the Klamath Tribal Executive Committee on Nov. 26 1957 1957, where a quorum of 6 members were present, by a vote of 5 for and None opposed; such action being in accordance with the By-Laws of the Klamath General Council approved October 12, 1950.

James T. Kinkor
Chairman, Klamath Tribal Executive Committee

Nelson Cook
Secretary, Klamath Tribal Executive Committee

Copies to: Agency & Tribal Resol. files
Land Oper.
Realty
PAO