

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.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

The United States National Bank of Portland, Trustee

I, for the non-withdrawing members of the Klamath Tribe, the holder of Permit No. 27036 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 26 day of September, 1963.

Remarks:

IN WITNESS WHEREOF I have hereunto set my hand this 26 day of September, 1963.

The United States National Bank of Portland, Trustee
for the non-withdrawing members of the Klamath Tribe.

P. O. Box 1161, Klamath Falls, Oregon

By: [Signature], Trust Officer.

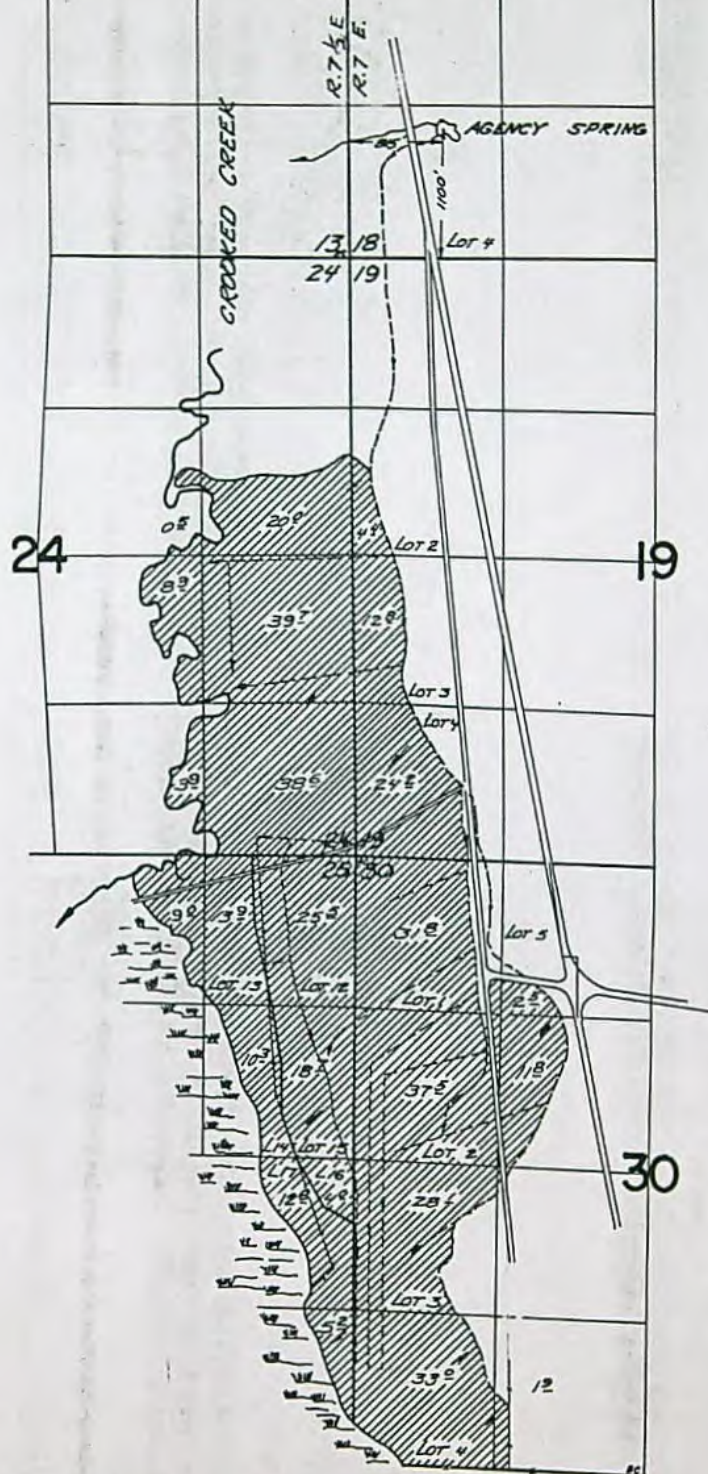
(Address)

T.34S. R.7 & 7 1/2 E. W.M.

EAST OF WOOD RIVER

13

18



FINAL PROOF SURVEY

UNDER

Application No. 34420 Permit No. 27036

IN NAME OF

U.S. NATIONAL BANK OF PORTLAND, TRUSTEE

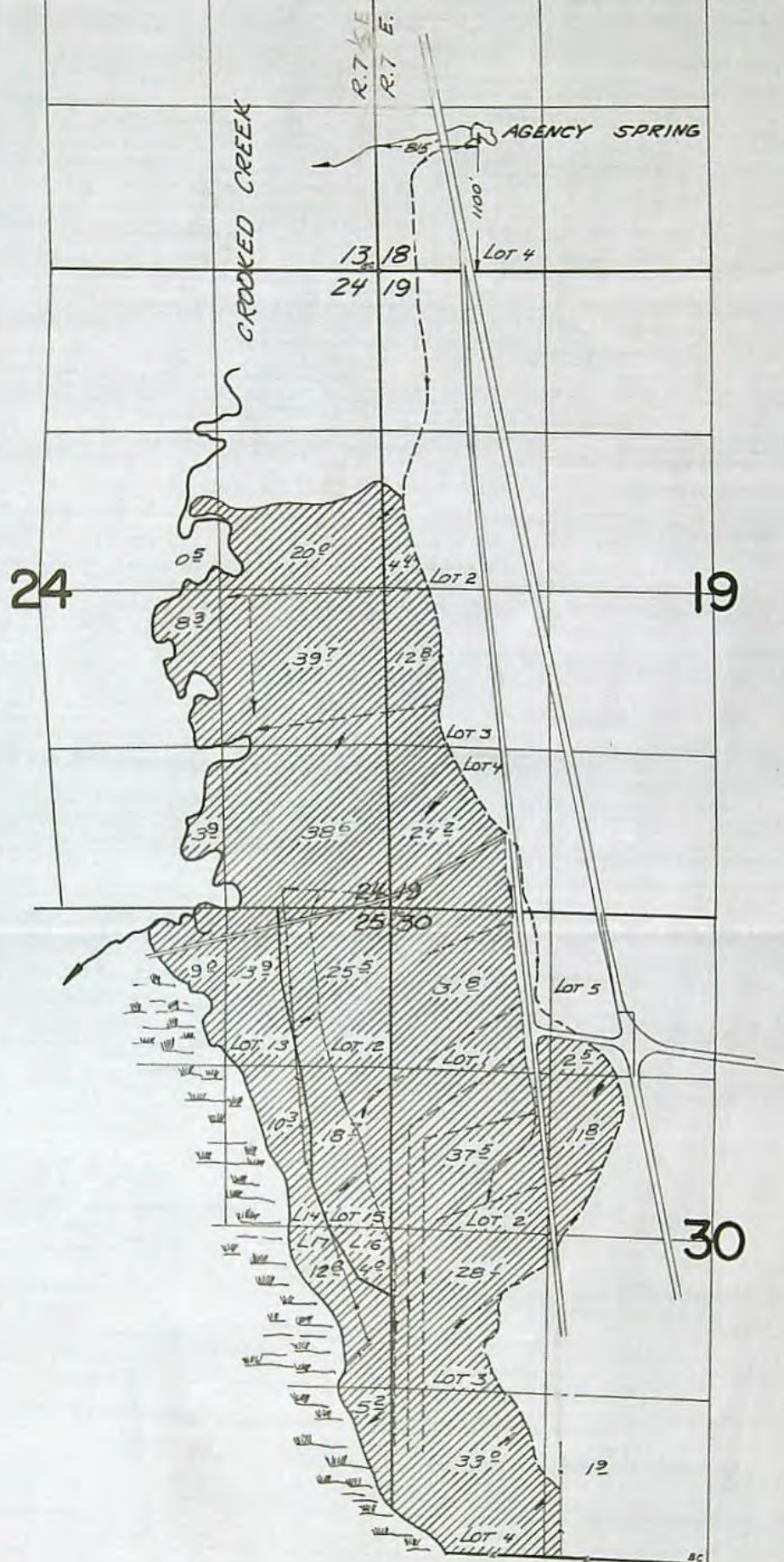
SURVEYED MAY 21-23, 1964 by R.H. JACKSON

T.34S. R.7 & 7 1/2 E. W.M.

EAST OF WOOD RIVER

13

18



FINAL PROOF SURVEY

UNDER

Application No. 34420 Permit No. 27036

IN NAME OF

U.S. NATIONAL BANK OF PORTLAND, TRUSTEE

SURVEYED MAY 21-23, 1964 by R.H. JACKSON

STATE OF OREGON

COUNTY OF

KLAMATH

CERTIFICATE OF WATER RIGHT

This Is To Certify, That U. S. NATIONAL BANK OF PORTLAND
Trust Department, Klamath Falls Branch, Trustees for non-withdrawing mem-
bers of the Klamath Indian Tribe
of P. O. Box 1161, 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
Agency Spring
a tributary of Crooked Creek (Wood River) for the purpose of
irrigation of 398.2 acres
under Permit No. 27036 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 October 20, 1960

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
7.96 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 Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, T. 34 S., R. 7 E.,
W. M. Spring located 1100 feet North and 815 feet East from the SW Corner, Sec-
tion 18.

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-fiftieth 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 5 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:

0.5 acre	SW $\frac{1}{4}$ NE $\frac{1}{4}$
20.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
39.7 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
8.3 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
3.9 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
38.6 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24

25.5 acres	Lot 12 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
13.9 acres	Lot 13 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
9.0 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
10.3 acres	Lot 14 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
18.7 acres	Lot 15 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
4.0 acres	Lot 16 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
12.6 acres	Lot 17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
5.2 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25

T. 34 S., R. 7 $\frac{1}{2}$ E., W. M. East of Wood River

4.4 acres Lot 2 ($\text{SW}\frac{1}{4}$ $\text{NW}\frac{1}{4}$)
 12.8 acres Lot 3 ($\text{NW}\frac{1}{4}$ $\text{SW}\frac{1}{4}$)
 24.2 acres Lot 4 ($\text{SW}\frac{1}{4}$ $\text{SW}\frac{1}{4}$)

Section 19

2.5 acres Lot 5 ($\text{NE}\frac{1}{4}$ $\text{NW}\frac{1}{4}$)
 31.8 acres Lot 1 ($\text{NW}\frac{1}{4}$ $\text{NW}\frac{1}{4}$)
 37.5 acres Lot 2 ($\text{SW}\frac{1}{4}$ $\text{NW}\frac{1}{4}$)
 11.8 acres $\text{SE}\frac{1}{4}$ $\text{NW}\frac{1}{4}$
 28.1 acres Lot 3 ($\text{NW}\frac{1}{4}$ $\text{SW}\frac{1}{4}$)
 33.0 acres Lot 4 ($\text{SW}\frac{1}{4}$ $\text{SW}\frac{1}{4}$)
 1.9 acres $\text{SE}\frac{1}{4}$ $\text{SW}\frac{1}{4}$

Section 30

T. 34 S., R. 7 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 31 day of December, 1968

CHRIS L. WHEELER State Engineer

Permit No. 27036Application No. 34420County Klamath

Proof of Appropriation of Water

- U. S. National Bank of Portland Trust Department, Klamath Falls Branch
1. Name Trustees for non-withdrawing 2. Address P. O. Box 1161, Klamath Falls, Oregon
members of the Klamath Indian Tribe
3. Source of supply Agency Spring
- Tributary of Crooked Creek (Wood River)
4. Amount of water 7.96 cubic feet per second 5. Priority date October 20, 1960
6. Use irrigation of 398.2 acres
7. Location of point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp. 34 S., Range 7 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
			SEE ATTACHED SHEET	
			Spring located 1100 feet North and 815 feet East from the SW Corner, Section 18.	
			This appropriation shall be limited to one-fiftieth 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 5 acre feet per acre for each acre irrigated during the irrigation season of each year;	

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 26th day of November,

1968

R. M. Egger

0.5 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
 20.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 39.7 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 8.3 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 3.9 acres SW $\frac{1}{4}$ S E $\frac{1}{4}$
 38.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 24

39.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 9.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 29.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 16.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 5.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 25

T. 34 S., R. 7 $\frac{1}{2}$ E., W. M. East of Wood River

4.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 12.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 24.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 19

2.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 31.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 37.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 11.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 28.1 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 33.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 1.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 30

T. 34 S., R. 7 E., W. M.

July 27, 1976

File 6477
34420
47123

Barnhisel and Camong
Realtors
323 Main Street
Klamath Falls, OR 97601

ATTENTION: Earl B. Kent

Dear Mr. Kent:

Certificate of water right recorded in Volume 27, Page 35561 in the name of U.S. National Bank of Portland, Trustee for non-withdrawing members of the Klamath Indian Tribes evidences the right to appropriate 7.96 cubic feet per second of water from Agency Spring located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 34 South, Range 7 East, W.M. for the irrigation of 398.2 acres located in Sections 19 and 30, Township 34 South, Range 7 East, W.M. and Sections 24 and 25, Township 34 South, Range 7.5 East, W.M. with a priority date of October 20, 1960.

Certificate of water right recorded in Volume 34, Page 42504 in the name of Charles and Harlene Kimbol evidences the right to appropriate 0.02 cubic foot per second of water from Agency Spring located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18 for stock use in Section 30, Township 34 South, Range 7 East, W.M. with a priority date of June 24, 1970.

There are no water rights of record appurtenant to the lands located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 34 South, Range 7 East, W.M.

Water rights on lands in the former Klamath Reservation have not been adjudicated; therefore, the record does not show whether or not any vested rights exist.

A perfected water right as evidenced by a certificate is appurtenant to the lands on which the right was established and passes with the land through change of ownership. There is no statutory provision for assigning a perfected water right from one owner to another. A perfected water right remains valid and in force as long as it is not lost through intentional abandonment or through nonuse for a period of five successive years or more.

Sincerely,

Frank Hopkins

October 13, 1969

Honorable Harry D. Boivin
Oregon State Senator
201 Boivin Building
Klamath Falls, Oregon 97601

Dear Senator Boivin:

I have checked my files and am unable to find a water right of record in the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ or the E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 30, Township 34 South, Range 7 East, W.M., except for the inclusion of parts of two tracts within a water right acquired by the U. S. National Bank as trustee for nonwithdrawing members of the Klamath Indian tribe.

I believe this filing covers the ditch we discussed and I am enclosing a copy of the certificate of water right together with a print of a map of the development which was made by this office. As you will note, there is a possible overlap lying in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$. The one in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ looks suspiciously like there might be some argument develop as to whether the fence line and presumably a property line, is not on the forty line as our map shows.

The right is only for irrigation and does not include stockwatering although certainly as long as irrigation water is carried in it, stock would be entitled to drink from the ditch throughout its course.

Sincerely,

CHRIS L. WHEELER
State Engineer

CLW:eh

enclosures - 2

*app. & R + R Mailed
11-18-69*

January 9, 1969

U. S. National Bank
Trust Division
Klamath Falls Branch
P. O. Box 789
Klamath Falls, Oregon 97601

Gentlemen:

Enclosed is another final proof map showing only those lands irrigated under permit No. 27036.

This map also shows the lots within the sections which the former map mailed to you August 13, 1968, did not show.

We are presently issuing a certificate for permit No. 27036, which you should receive within the next several weeks.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:slv
Enclosure

34352
34353
34420

November 29, 1968

U. S. National Bank
Trust Division
Klamath Falls Branch
P. O. Box 789
Klamath Falls, Oregon 97601

ATTENTION R. H. Mezger, Trust Forestry Officer

Gentlemen:

This will acknowledge receipt of an application for extension of the time limit to complete the use of water under permit No. 27012 and the fee of \$5 for which our receipt No. 12326 is enclosed. The application was not completed under affidavit of applicant on the reverse side so I am returning it to you for proper signature.

Also acknowledged is receipt of the proof form in connection with permit No. 27036. If you will submit the certificate recording fee of \$1, we will be able to issue the confirming certificate.

Very truly yours,

CHRIS L. WHITTAKER
State Engineer

By
Trevor Jones
Assistant

TJ:hls
Enclosures



RECEIVED
NOV 27 1968
STATE ENGINEER
SALEM OREGON

UNITED STATES NATIONAL BANK OF OREGON

TRUST DIVISION
KLAMATH FALLS BRANCH
740 MAIN STREET
P.O. BOX 789, KLAMATH FALLS, OREGON 97601
HEAD OFFICE — PORTLAND

November 26, 1968

Mr. Chris L. Wheeler,
State Engineer,
Water Resources Department,
516 Public Service Building,
Salem, Oregon 97310.

Your Re: 34352, 34353, 34420, 40754
Our Re: 6-06800-00, Permit #27036

Dear Mr. Wheeler:

Thank you for your letter of November 22nd. We will arrange with Mr. Bish to inspect the Agency Ranch at his convenience.

In connection with the final proof on permit #27036, the executed Proof of Appropriation of Water for the permit is enclosed herewith.

There is also enclosed an Application for Extension of Time on permit #27012 to project the sprinkling of the high ground during the next irrigation season. An extension to October 1, 1969, should be satisfactory. We are enclosing a check in the amount of \$5.00 to cover this application.

Very truly yours,

R. W. Mezger,
Trust Forestry Officer.

RWM:rb
Encls.

34352
34353
34420
40754

November 22, 1968

U. S. National Bank
Trust Department, Klamath Falls Br.
P. O. Box 789
Klamath Falls, Oregon 97601

ATTN: TIAA R. W. Mezger, Trust Forestry Officer

Gentlemen:

We will have Mr. Byron Bish of this office meet with you to go over the land involved in permits No. 27011 and 27012. He will write later regarding a time. In the meantime I think some further action is indicated.

Our final proof in connection with permit 27036 is substantially in agreement with the permit so I assume this can be signed and submitted so the certificate can be issued.

I think we can just withhold action under permit 27011 as the principle question here is apparently in conveying water from Hood River across the drain to irrigate some lands also irrigated from Fort Creek.

If you intend to irrigate under permit 27012 the high ground excluded from the final proof survey, or if this has been irrigated but was done after the completion date set out in the permit, an application for extension of the time limit should be submitted to extend the date from October 1, 1963 to perhaps October 1, 1969. I am enclosing the proper form for making such an application.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:hls
Enclosure

34352
34353
34420
40754

Your File No.
6-06800-05

November 7, 1968

United States National Bank of Oregon
Trust Department
Klamath Falls Branch, 740 Main Street
P.O. Box 789
Klamath Falls, Oregon 97601

ATTENTION: R. W. Merger, Trust Forestry Officer

Dear Sir:

I have gone over the maps, field reports, proof forms and your letter in connection with the proofs sent you relative to permits numbered 27011, 27012 and 27036. There was no question raised in regard to permit 27036 for the appropriation of water from Agency Springs and since our field engineer found substantially the same amount of land irrigated as described in the permit, I assume the proof is satisfactory.

Our field engineer mapped the land claimed irrigated by Mr. Basey, reportedly the manager of the property. His report does not indicate that exception was taken to any claim made, so I assume that the map and the sources shown were as claimed by Mr. Basey.

I do not find any specific report as to diverting water from Crooked Creek in Section 26, Township 33 South, Range 7½ East. Our field engineer did report that the diversion was made in the NW¼ SE¼ of Section 13 as indicated on our map by pumping into the Fort Creek Ditch and there was a gate in the canal so the flow could be in either direction so as to reach the land along Crooked Creek shown on our map to the north of the diversion point. If, in fact, the diversion in Section 26 was used, we could inspect and change our proof but it would not change either the acreage or the quantity of water.

The only way to defer proof under the permit so as to be able to irrigate the high ground you refer to in Section 13 would be to obtain an extension of the time limits under the permit. The proof was prepared to the limit under the permit, so if additional land is included in Section 13, a like number of acres must be deleted from another area listed on the proof. You will note that there is more area mapped as being irrigated from Fort Creek than is tabulated in the proof as the total acreage under the permit cannot exceed 482.2

November 7, 1968

acres. We could adjust the proof somewhat to more nearly agree with the area applied for, but it would seem to me to be an arbitrary action with no division apparent on the ground which would agree with the application.

Mr. Basey claimed the use of water from Wood River only on that land west of the drain. He did say that it may be used across the drain but was not done up to the time of our final proof survey. If this is correct, the time limits under this permit would need to be extended to cover the use east of the drain. Unless this is done you will note that by comparison of the map and the proof for permit 27012, no right will exist for lands immediately east of the drain, particularly in Section 14 and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13.

We can discuss this further either here or at the property if you wish, but the right is restricted to the use of water made within the time limits under your permits which is October 1, 1963 for the permits involved. I am not sure as to what progress has been made since that time to warrant the extension of the time limits, but it appears to be the best course of action under permit 27011 and under permit 27012 if the land through the center of Section 13 has now been irrigated.

I am enclosing the proper forms for making application for extensions of the time limits, but you may wish to discuss this further before filing them.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:slh

Enclosures



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

34352
34353
REFER TO
FILE NO. 34420

August 13, 1968

U. S. National Bank of Portland
Trustee for non-withdrawing members of the Klamath
Indian Tribe
Trust Department, Klamath Falls Branch
P. O. Box 1161
Klamath Falls, Oregon 97601

Gentlemen:

Enclosed is the final proof in connection with the
incomplete water right represented by your permit No. 27011,
27012, and 27036.

The data contained in the proof, which is based on
an inspection and survey of your project made by a representa-
tive of this department, defines the extent to which your water
right has been completed within the terms of your permit. The
proof should be dated and signed by you and returned to this
office.

Upon receipt of the proof, properly executed and
accompanied by the statutory recording fee of \$1, a certificate
of water right will be issued confirming the right thereunder
and, after being recorded in the county records, will be for-
warded to you.

Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 117

Enclosure
kmh

Please submit \$1.00 for each permit.

August 3, 1967

Mr. William L. Wales, Jr.
Consulting Engineer
1740 Austin Street
Klamath Falls, Oregon 97601

Dear Mr. Wales:

Pursuant to your request, I am enclosing a copy of Permit No. 27036 and a print of the map submitted with Application No. 34420.

Also enclosed is our Receipt No. 5341, covering the copying fees of \$2.15 you submitted.

Very truly yours,

CHRIS L. WIESLER
State Engineer

By
Trevor Jones
Assistant

TJ:py

Enclosures

IL
STRUCTURAL

REGISTERED:
OREGON
CALIFORNIA

TELEPHONE: 884-4739
AREA CODE: 503

WILLIAM L. WALES, JR.
CONSULTING ENGINEER
1740 AUSTIN STREET
KLAMATH FALLS, OREGON 97601
July 28, 1967

34420
RECEIVED
JUL 31 1967
STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon

Attn: Mr. Trevor Jones

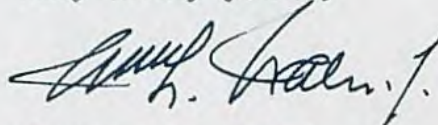
Dear Sir:

Will you please send me a copy of the application and one print of the applicant's map for Permit No. 27036.

Enclosed is my check in the amount of \$2.15 to cover the cost of the above.

Thank you.

Very truly yours,



William L. Wales, Jr.

WLW/pf

Encl.

34420
34352
34353
40754

July 27, 1967

Mr. William L. Wales, Jr.
Consulting Engineer
1740 Austin Street
Klamath Falls, Oregon 97601

Dear Mr. Wales:

The U. S. National Bank has Permit No. 27036 for the appropriation of water from Agency Spring for irrigation in Sections 24 and 25, Township 34 South, Range 7½ East, W.M. They also have Permit 30381 for supplemental irrigation of about the same area from Crooked Creek, Permit 27011 for the appropriation of water from Wood River for irrigation in the west part of Section 24 and also in Sections 11, 13, 14, and 23, Township 34 South, Range 7½ East, W.M., and Permit 27012 for the appropriation of water from Fort Creek and Crooked Creek for the lands in Sections 11, 12, 13, 14, 24, and 25, Township 34 South, Range 7½ East, W.M.

There are four pages to each permit. The copying fee is \$1 for the first page and 25¢ for each additional page of the order. On this basis, you can send fees for any of these permits you require.

We have made the final proof survey for Permits 27011, 27012, and 27036 but haven't sent out the proof yet. Apparently, these were not completed to the full extent intended and I don't know whether the Bank will complete the proof or request additional time.

If you want a print of the final proof survey map, the printing fee will be 20¢. Prints of the application maps will be 40¢ each.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:py

STRUCTURAL
REGISTERED:
OREGON
CALIFORNIA

TELEPHONE: 884-4739
AREA CODE: 503

WILLIAM L. WALES, JR.
CONSULTING ENGINEER
1740 AUSTIN STREET
KLAMATH FALLS, OREGON 97601
July 24, 1967

RECEIVED
JUL 26 1967
STATE ENGINEER
SALEM OREGON

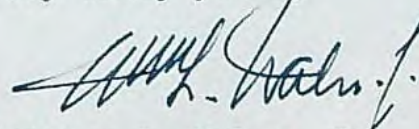
Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

Dear Sir:

Will you please advise the cost of securing copies of the application and map for the filing in Sections 24 and 25, T.34 S., R.7 $\frac{1}{2}$ E., W.M. and Sections 19 and 30, T.34 S., R.7 E., W.M., by the U.S. National Bank.

Thank you.

Very truly yours,



William L. Wales, Jr.

WLW/pf

STATE ENGINEER

Honorable Harry Boivin

April 13, 1967

Chris L. Wheeler

Rights of record from Agency Springs

I have checked the files and we do not have any rights of record on the old Agency property.

The only one I have of record is a permit filed by the United States National Bank as trustee for the nonwithdrawing members of the Klamath Indian tribe. The permit authorizes the appropriation of not to exceed 7.96 cubic feet per second from Agency Spring for irrigation of 398.2 acres in Sections 24 and 25, Township 34 South, Range 7½ East, W.M., and Sections 19 and 30, Township 34 South, Range 7 East, W.M. This land is irrigated by a ditch taking out on the south side of Agency Springs pond, crossing the road and then in a generally southerly direction to the south line of Section 30. The land lies between the old road and the marshy area or Crooked Creek.

Water rights on lands in the former Klamath Reservation have not been adjudicated; therefore my records do not show whether or not any vested rights exist.

If your clients wish to make it of record, they could make a filing for all use of water which has been made in the past and obtain a permit. If they are able to sustain their claim of a vested right in the later adjudication, then the permit would be of no value but it is an insurance factor against a possibility of such claim being denied. If any of the water use has recently been made or they propose any additions to the development, this would require a filing and permit from the State Engineer.

It is my understanding that the trustee filing of the bank was on such a basis. It is my hope that in about four years we can have an adjudication of the water rights on the former Klamath Reservation so that the uncertainty will no longer exist. In view of the apparent supply, there may not be any difficulty even with a present permit and its priority.

Sincerely,

CHRIS L. WHEELER

UNIT 88 - AGENCY FARM

Township 34 South, Range 7 East, Willamette Meridian, Oregon:

Sec. 19, Lot 4; Sec. 30, Lots 1, 2, 3, 4, 5, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, containing 233.86 acres, more or less.

Township 34 South, Range 7 $\frac{1}{2}$ East, Willamette Meridian, Oregon:

Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 13, N $\frac{1}{2}$, SW $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 14, Lots 5, 6,
7, 8 and 9, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23, Lots 1, 2 and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, Lots 6 and 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 180' NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 180'
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; Sec. 25, Lots 8, 9, 10 and 11, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
containing 2,276.98 acres, more or less.

STATE OF OREGON
STATE ENGINEER
516 PUBLIC SERVICE BUILDING
SALEM 10

REFER TO
FILE NO. 31420

September 30, 1963

U. S. National Bank of Portland, Trustee
Trust Department, Klamath Falls Branch
P. O. Box 1161
Klamath Falls, Oregon

Gentlemen:

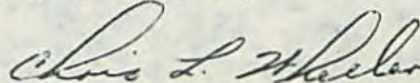
This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. 27036.

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,



CHRIS L. WHEELER
State Engineer

Form 128

jb



KLAMATH FALLS BRANCH
THE UNITED STATES NATIONAL BANK
OF PORTLAND, OREGON

September 26, 1963

TRUST DEPARTMENT

P. O. BOX 1161
KLAMATH FALLS, OREGON

RECEIVED
SEP 27 1963
STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler,
State Engineer,
State of Oregon,
Water Resources Department,
516 Public Service Building,
Salem 10, Oregon.

Re: 6-06800-00 Klamath Agency Ranch
Klamath Indian Management Trust
Permit No. 27036

Gentlemen:

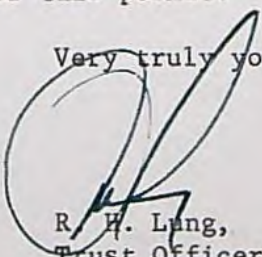
With regard to permit No. 27036, we have received your notice that the water under this permit should be completely applied to the proposed use on or before October 1, 1963.

If you will check your file on this permit you will find your letter of October 8, 1962, in which you state that one of your representatives could go over the lands under the four permits to determine what areas you thought should be dropped from the proof. We anticipated a visit from your representative, and, therefore, have not filed your Form C which is your notice of complete application of the permit.

We are satisfied that beneficial use has been made of water on all land required under the permit with the exception of some scattered sagebrush which you point out in your letter is not necessarily a barrier to making proof. The area which you refer to in your letter as "in the center of the southerly end below Hooper Road" was cultivated, levelled and planted to oats this spring, and the land in question irrigated.

Therefore, we are enclosing the completed Form C as our notice of complete application of water under this permit.

Very truly yours,


R. H. Lung,
Trust Officer.

RHL:rb
Encl.

34352
34353
34420
34421

October 2, 1962

The United States National Bank
Klamath Falls Branch
P. O. Box 1161
Klamath Falls, Oregon

ATTN: B. H. Lung

Dear Mr. Lung:

This will acknowledge receipt of the notice of complete application of water in connection with permit number 27012. We will make the ~~custodian of final proof survey at a later date, and in the meantime, no further action is required~~ ^{action} ~~of the continuous use of water, you would~~

I do not think the change you mentioned in the diversion works under permit number 27011 is a critical one, and we will consider your letter as a notice of complete application of water under this permit.

If nothing has been done in connection with permit number 27061, we would appreciate it if you would sign and return the enclosed authorization to cancel the permit so we may clear our records.

After a permit is issued, all documents in reference to it become public record, so I don't think we should return the transparency of the map submitted with application 34421 (Permit No. 27061), but this will be in our file, and at any time you desire to refile the application, you need only to refer to the original filing and you will not have to make a new transparency.

Our field engineer did not make a survey in connection with permit 27036, because the date for complete application of water is October 1, 1963, and there was an additional season to complete the application if you intended to do so. It appears from the notes that the area with sagebrush is in the center of the southerly end below Hooper Road, but there may be some just north of this also. I am sorry that I can not discuss that in greater detail and advise specifically what additional work should be done. To make beneficial use of water on land requires that the land be in some crop or natural grass for pasture. The presence of scattered sagebrush is not necessarily a barrier to making proof, but just running water out into the sagebrush area does not constitute beneficial use. I suggest continuing with what work you would

October 8, 1962

normally do on these lands at least until the expiration of the time limits under the permits. We will then make the final proof survey on all the permits at the same time.

If you wish, we could send a representative early next summer to go over the lands under the four permits to determine what areas we think should be dropped from the proof. They could then be either cleared or you could delete them from the proof. In the meantime, the permits which you hold are valid evidence to the use of water to the extent described.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp



HEAD OFFICE

KLAMATH FALLS BRANCH
THE UNITED STATES NATIONAL BANK
 OF PORTLAND, OREGON

September 28, 1962

TRUST DEPARTMENT

P. O. BOX 1161
 KLAMATH FALLS, OREGON

RECEIVED
 OCT 2 1962
 STATE ENGINEER
 SALEM, OREGON

Chris L. Wheeler, State Engineer,
 State of Oregon,
 Water Resources Department,
 516 Public Service Building,
 Salem 10, Oregon.

Re: 6-6800-05 Klamath Agency Farm
 Klamath Indian Management Trust
 Permit No. 27036

Attention: Trevor Jones, Assistant

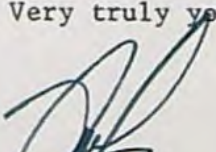
Gentlemen:

We refer to your letter of August 29, 1962, in which you refer to the above numbered permit which describes the appropriation of water of Agency Spring for irrigation of lands in Sections 19 and 30, Township 34 South, Range 7 East, and Sections 24 and 25 in Township 34 South, Range 7½ East.

You state in your letter that your field engineer reported that the project was not ready for final proof, and some land is in sage and some reseeding needs to be done.

We wish to advise that there is a very small percentage of the land included in the project in sage, and the majority of the project has been under water and completed. In order for us to determine the areas which your engineer considers not ready for final proof, would it be possible for you send us a map showing these areas so that we can take the necessary action to complete them or withdraw them from the project so that you might issue our water right without further delay.

Very truly yours,


 R. H. Lung,
 Trust Officer.

RHL:rb

August 29, 1962

U. S. National Bank of Portland, Trustee
Trust Department, Klamath Falls Branch
P. O. Box 1161
Klamath Falls, Oregon

Gentlemen:

Permit number 27036 is in the name of U.S. National Bank of Portland, Trustee for non-withdrawing members of the Klamath Indian Tribe. This permit describes the appropriation of water of Agency Creek for irrigation of lands in Sections 19 and 30, T. 34 S., R. 7 E., and Sections 24 and 25, T. 34 S., R. 7 1/2 E.

When the application was filed, the project was indicated as being complete. When our field engineer attempted to make the customary final proof survey he reported that the project was not ready for final proof, there was some re-seeding to be done and some land still in sage. The date for completion of construction under the permits is October 1, 1962, and the date for complete application of water is October 1, 1963.

We will assume that indicating the project complete was an error so the additional time allowed in the permit may be utilized to complete the projects. Unless the facilities to make use of water are completed by October 1, 1962, it would be advisable to make application for extension of the time limit for completion of construction. If the facilities to make use of water are complete, no extension is necessary as the date for complete application of water is October 1, 1963.

I am enclosing forms "B" and "C" for your use in reporting completion of construction and complete application of water.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp
Enc. (2)

34420

December 21, 1960

U. S. National Bank of Portland, Trustee
Trust Department, Klamath Falls Branch
P. O. Box 1161
Klamath Falls, Oregon

Gentlemen:

34420, Permit No. 27036 with blueprint.

34420

November 17, 1960

William L. Wales
421 Jefferson Street
Klamath Falls, Oregon

Dear Mr. Wales:

This will acknowledge receipt of your letter dated October 10, 1960, submitting an application in the name of U. S. National Bank of Portland, Trustee for non-withdrawing members of the Klamath Indian Tribe, for a permit to appropriate 8.02 cubic feet of water per second from Agency Spring for the irrigation of 407.7 acres, tracing and one print, legal description of land to be irrigated and fees in the sum of \$40.90 for which our receipt numbered 27385 is enclosed with the applicant's copy of this letter.

The application which has been examined and filed under application number 34420 appears to be in satisfactory form to be considered for approval with the next group.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

mgb
CC: U. S. National Bank of Portland, Trustee

WILLIAM L. WALES
CIVIL ENGINEER
KLAMATH FALLS, OREGON

October
Tenth,
1960.

Office of State Engineer,
Salem, Oregon.

Gentlemen:

I am enclosing herewith an application from the U. S. National Bank of Portland, as trustee for the Non-Withdrawing Members of the Klamath Indian Tribe for a permit to divert 8.02 second feet of water for irrigation from Agency Spring, to irrigate 407.7 acres of land, together with their check for \$40.90 for filing fees, determined as follows:

Examination Fee			\$10.00
Recording Fee	200 Acs. (table)	\$20.50	
	208 Acs. @ \$.05	10.40	30.90
			<u>\$40.90</u>

The tracing of the map, together with a print of the same are being mailed under separate cover.

Yours very truly,

William L. Wales

WLW:pc

Encls.

63K11

Accepted
H

Abstract of Permit No. 27036

Application No. 34420

Certificate No.

Name

U. S. NATIONAL BANK of PORTLAND, Trustee for non-withdrawing members of the Klamath Indian Tribe, Trust Department
Klamath Falls Branch - P. O. Box 1161
Klamath Falls, Oregon

Address

Source of water supply

Agency Spring, ~~trib. of (Wood River), trib. of Crooked Creek,~~
~~trib. of Klamath Lake~~

Use

Irrigation, 398.2 ^{1/50} , Saf.

Point of diversion

1100
968' N. and 815' E. from the SW corner of Section 18,
being within the SW ¹/₄ SW ¹/₄ of Section 18, T. 34 S., R. 7 E.,
W.M., in the county of Klamath.

Number of acres

107.7

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
7 1/2 E. W. M. } Section 24 Wood River		SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓		0.5 ✓
		SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓		20.0 ✓
		NE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓		39.7 ✓
		NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓		8.3 ✓
		SW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓		3.9 ✓
		SE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓		38.6 ✓
Section 25	NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓			39.4 ✓
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓			9.0 ✓
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓			29.0 ✓
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓			16.6 ✓
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓			5.2 ✓
R. T. E. W. M. } Section 19		SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓		4.4 ✓
		NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓		12.8 ✓
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓		24.2 ✓
		NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓		2.5 ✓
Section 30	NW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓			31.8 ✓
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓			37.5 ✓
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓			11.8 ✓
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓			28.1 ✓
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓			33.0 ✓
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓			1.9 ✓

398.2

Remarks:

This appropriation shall be limited to 1/50th 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 5 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.

63K11

Accepted
H

Abstract of Permit No. 27036

Application No. 34420

Certificate No.

Name

U. S. NATIONAL BANK of PORTLAND, Trustee for non-withdrawing members of the Klamath Indian Tribe, Trust Department
Klamath Falls Branch - P. O. Box 1161
Klamath Falls, Oregon

Address

Source of water supply

Agency Spring, ~~trib. of (Wood River,)~~ trib. of Crooked Creek, ~~trib. of Klamath Lake~~
Irrigation, 378.2 ^{1/50}, 5 a.f.

Use

Point of diversion

Spr. loc. ¹¹⁰⁰968' N. and 815' E. from the SW corner of Section 18, being within the SW ^{1/4} of Section 18, T. 34 S., R. 7 E., W.M., in the county of Klamath.

Number of acres

107.7

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE ^{1/4}				NW ^{1/4}				SW ^{1/4}				SE ^{1/4}			
			NE ^{1/4}	NW ^{1/4}	SW ^{1/4}	SE ^{1/4}	NE ^{1/4}	NW ^{1/4}	SW ^{1/4}	SE ^{1/4}	NE ^{1/4}	NW ^{1/4}	SW ^{1/4}	SE ^{1/4}	NE ^{1/4}	NW ^{1/4}	SW ^{1/4}	SE ^{1/4}
34	5	7 E 19											26.6					
		30					4.4	38.2	39.4	11.6		31.3	24.4					
34	5	7 E 24	34.4		3.1	38.8									39.9	5.6	1.5	37.7
		25	34.7	0.6		25.6									9.4			0.5

Priority date

October 20, 1960

Amount of water

7.96

8.02 c.f.s. measured at the point of diversion

Time limit to begin construction

December 8, 1961

Time limit to complete construction

10/1/62

extended to

extended to

Time limit to completely apply water

10/1/63

extended to

extended to

Remarks:

This appropriation shall be limited to 1/50th 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 5 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.

New Section 19-24-25
Re Survey has shown
area of irrigation will
be altered somewhat by
force changes when put
in proper place.
21 Aug 62
C. P.

*

50
20.00
3950
20
8.30
390
38.60
3940

900
2900
16.60
5.20
4.40
1280
2420
250
31.80
37.50
11.80
28.10
3300
1.90

39,820 *

Couldn't make proof at this time due to reseeding of ~~the~~ some land on application. Some land is still in sage. The fences are all going to be moved due to a resurvey. There is land still that has to have water applied.

Carl R. Baker

Aug 21, 1962

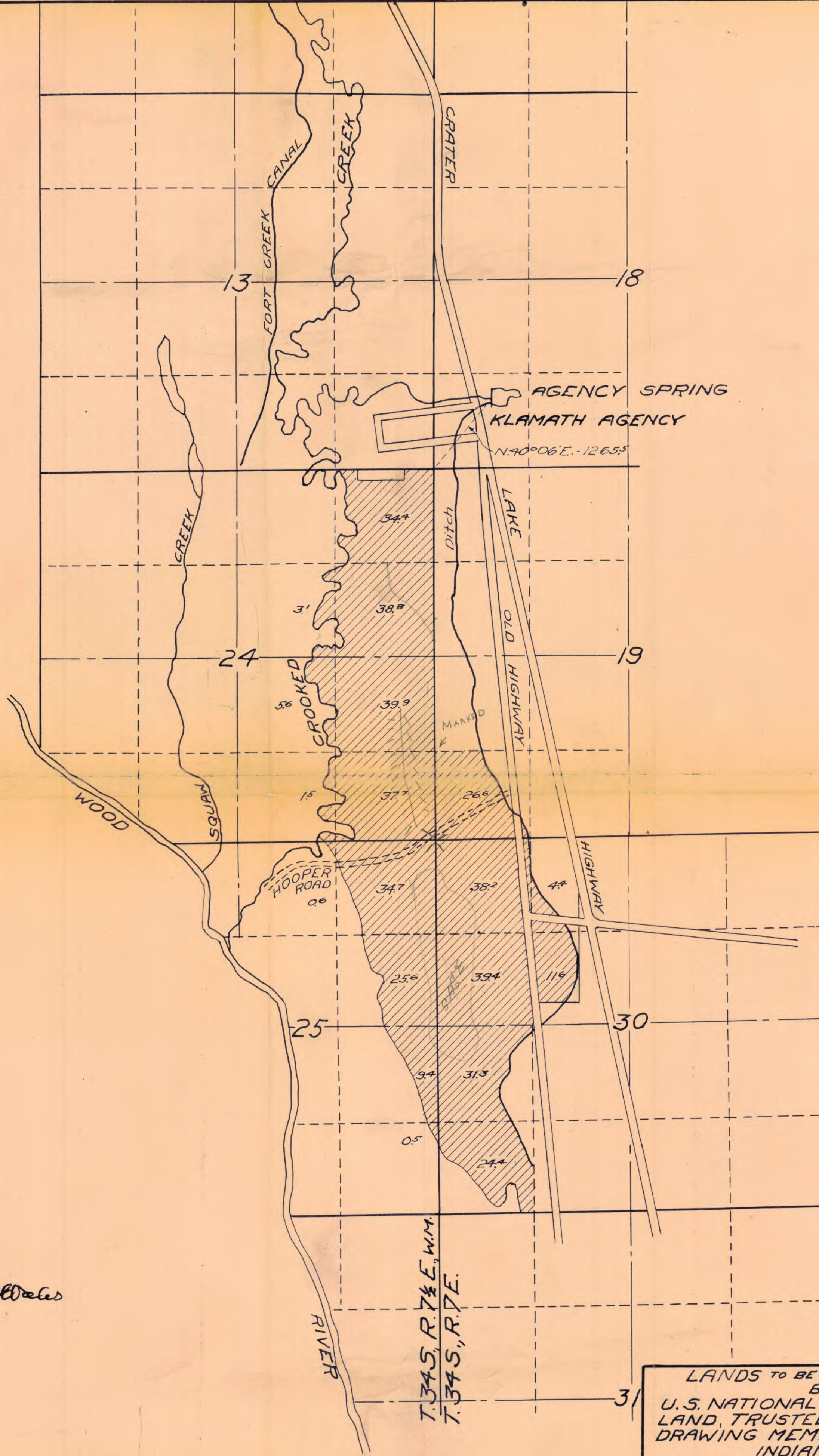
Ditch from Spring located on survey.

Ditch averages 6' bottom 8' top, 3' deep. Has 12" culverts to turn water out.

Lateral ditches — plow ditches — shown on survey. Some land reseeded & irrigated — see Baker note. Land under this filing shown in yellow on photos.

Scale on 1964-B





Surveyed CNO-68K-11 & 68K-13 by R. Jacobs.



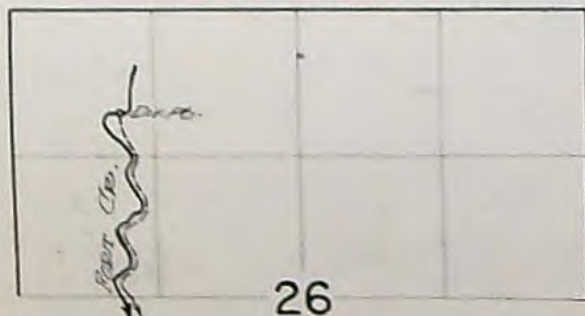
LANDS TO BE IRRIGATED
BY
U.S. NATIONAL BANK OF PORT-
LAND, TRUSTEE FOR NONWITH-
DRAWING MEMBERS OF KLAMATH
INDIAN TRIBE
FROM
AGENCY SPRING.
KLAMATH COUNTY, OREGON.
Scale 1"=1000'
Survey & Map by William L. Wales, Civil Engr.,
Klamath Falls, Oregon.

Section No. 34420
Permit No. 27036

T.34S.R.7½E.W.M.
East of Wood R.

-  Irrigated from Wood River
-  Irrigated from Fort Creek
-  Irrigated from Crooked Creek
-  Irrigated from Agency Spring

T.33S.R.7½E.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 34352 Permit No. 27011
34353 27012
34420 27036

IN NAME OF

U.S. NATIONAL BANK OF PORTLAND, Trustee

Surveyed May 21, 22, 23, 1964 by *[Signature]*

STATE ENGINEER

Honorable Harry Boivin

April 13, 1967

Chris L. Wheeler

Rights of record from Agency Springs

I have checked the files and we do not have any rights of record on the old Agency property.

The only one I have of record is a permit filed by the United States National Bank as trustee for the nonwithdrawing members of the Klamath Indian tribe. The permit authorizes the appropriation of not to exceed 7.96 cubic feet per second from Agency Spring for irrigation of 398.2 acres in Sections 24 and 25, Township 34 South, Range 7½ East, W.M., and Sections 19 and 30, Township 34 South, Range 7 East, W.M. This land is irrigated by a ditch taking out on the south side of Agency Springs pond, crossing the road and then in a generally southerly direction to the south line of Section 30. The land lies between the old road and the marshy area or Crooked Creek.

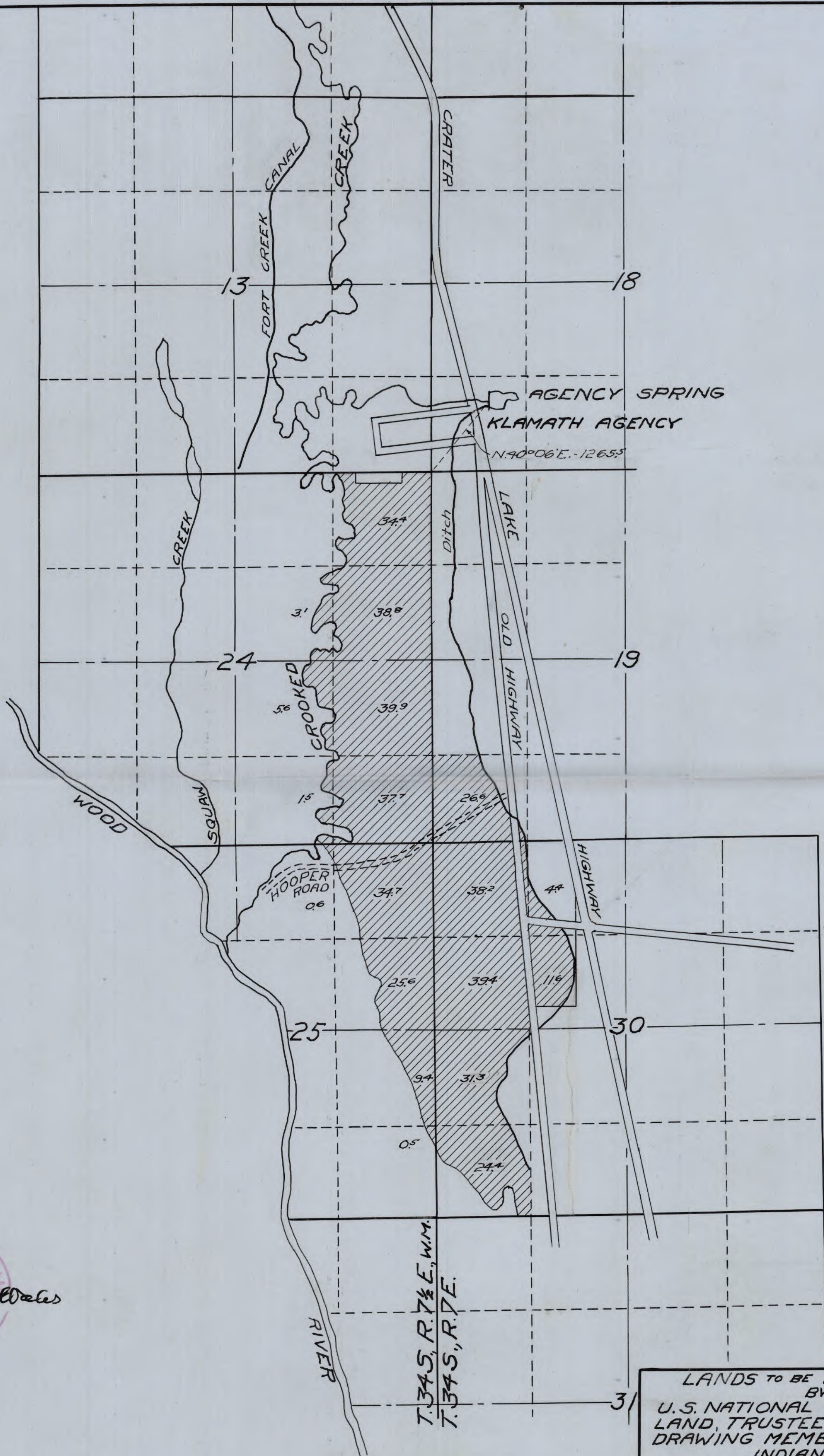
Water rights on lands in the former Klamath Reservation have not been adjudicated; therefore my records do not show whether or not any vested rights exist.

If your clients wish to make it of record, they could make a filing for all use of water which has been made in the past and obtain a permit. If they are able to sustain their claim of a vested right in the later adjudication, then the permit would be of no value but it is an insurance factor against a possibility of such claim being denied. If any of the water use has recently been made or they propose any additions to the development, this would require a filing and permit from the State Engineer.

It is my understanding that the trustee filing of the bank was on such a basis. It is my hope that in about four years we can have an adjudication of the water rights on the former Klamath Reservation so that the uncertainty will no longer exist. In view of the apparent supply, there may not be any difficulty even with a present permit and its priority.

Sincerely,

CHRIS L. WHEELER



REGISTERED PROFESSIONAL
ENGINEER
1347
William L. Wales
1900-1970
Klamath Falls, Oregon

Application No. 34420
Permit No. 27036

T. 34 S., R. 7 1/2 E., W. 4 M.
T. 34 S., R. 7 E.

LANDS TO BE IRRIGATED
BY
U.S. NATIONAL BANK OF PORT-
LAND, TRUSTEE FOR NONWITH-
DRAWING MEMBERS OF KLAMATH
INDIAN TRIBE
FROM
AGENCY SPRING,
KLAMATH COUNTY, OREGON.
Scale 1"=1000'
Survey & Map by William L. Wales, Civil Engr.,
Klamath Falls, Oregon.

1.34S.R.7 1/2 E.W.M.
East of Wood R.

11/2
14/3

12/3

T.34S.R.7 1/2 E.W.M.
T.34S.R.7 E.W.M.

13/18
24/19

24/19
25/30

26

Irrigated from Wood River
Irrigated from Fort Creek
Irrigated from Crooked Creek
Irrigated from Agency Spring

T.33S.R.7 1/2 E.W.M.

26

FINAL PROOF SURVEY

UNDER

Application No 34352 Permit No. 27011
34353 27012
34420 27036

IN NAME OF

U.S. NATIONAL BANK OF PORTLAND, Trustee

Surveyed May 21, 22, 23, 1964 by *Decker*

UNDER

IN NAME OF

U.S. NATIONAL BANK OF PORTLAND, Trustee

Surveyed May 21, 22, 23, 1964 by *H. Allen*