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State of Oregon, County of Klamath  
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## WATER DELIVERY EASEMENT

## AFFIDAVIT

STATE OF OREGON,     )  
                              ) ss.  
County of Multomah.)

I, OSCAR KITTREDGE, being ~~the~~ first duly sworn, depose and say:

That I am the son of William Kittredge and Maude A. Kittredge, and that I was born near Corvallis, Oregon, on September 10, 1900. The family was living near Silver Lake, Oregon, and my mother went to Corvallis to give birth to me, and I was brought back to Lake County, Oregon, I understand, at the age of 6 weeks old and have lived in Lake, Harney and Klamath Counties all of my life up until I retired.

That I first saw what is knowas the Klamath Marsh in the year 1912, in May or June, when I was about 12 years old. My father had leased the Ball Ranch property located in Sections 12 and 13 of Township 30 South, Range 9 East of the Willamette Meridian. Mrs. Elva Ball was a Klamath Indian, and we moved on the property and moved in an old Indian cabin with a dirt floor. The family then consisted of myself, my father and mother, my sister, Viola, and my sister, Marie.

We brought cattle in from Silver Lake, Oregon, numbering 400 or 500, for the purpose of summer grazing upon the property. At that time the land <sup>consisted of</sup> ~~and~~ pumice flats with wild grass at the easterly or upper end of the marsh, and from the Cholo slough south and west had overflow land which was covered with a thin layer of water which ran out of the Cholo Slough. Then to dry up the land a dam was placed in the Cholo Slough to send the water off down the Williamson toward Rock Island, which was the end of the defined channel of the Williamson River, and the water spread out at varying depths and moved generally north and west.

A random fence generally surrounded the exterior of the marsh, it being built along the line between the timber and the

open meadow and grass land without regard to any particular subdivision lines. It enclosed the grazing area and consisted of a stake and rider fence made of poles, and in some locations a brush fence which consisted of felling trees along the line you wanted to have the fence turn cattle. These were repaired from time to time as the branches rotted off by throwing another tree on top of the fence. The fences succeeded in generally turning cattle and confining them to the grazing area.

At the lower end of this valley was Big and Little Wocus Bay country where there was some open water, but generally the area was covered by water lilies, with tules surrounding the edge in the shallower water. Most of the open water was down in the Wocus Bay proper, and the balance was covered by water lilies, tules, flags and reeds, cattails, sugar grass and other water plants. My understanding is that the Wocus Bay, or at least part of it, is presently owned by John Horton, who purchased it from the Indian Service recently. I have never heard this area referred to as Big Spring Swamp. The last time that I saw the Wocus Bay country was in 1969, and the water level appeared to be approximately the same as it was when I first saw it, and there was approximately the same amount of open water in the area as there was in the early days.

My recollection is that we rented several range allotments, including Wocus Bay, Little Wocus and Skelogg, which were tribal lands, and we ran cattle in the area, taking the grazing as the water receded. We also ran sheep on some of these tribal allotments from around 1927 till 1931, when we went out of the sheep business. The water levels in this area varied radically depending on the seasons, and in the dry years there would be little or no water and grazing could be conducted out into the Marsh for a considerable distance, while in years of heavy precipitation the grazing did not extend out as far.

✓ The first diversion<sup>was</sup> installed by the Kittredge family in 1917 at the Rock Island Field at the northwest corner thereof. This structure and canal was built for the purpose of diverting the water of the river~~s~~ south and west to the Military crossing, thus permitting the drying out of the Mitchell, the North Kirk and the lower portion of the Nelson field and Three Creeks country. When the water was put back in the normal course, it would irrigate the above named fields by over flow.

The next diversion was in the Big Wire field, which occurred in 1918 in the fall, and it consisted of putting poles in the bed of the stream and hauling rock in front of them, and *would throw hay in front of it so that the water* during the haying season ~~we~~ would not penetrate. We built ditches around the Big Wire field and the Timothy field to spread the water over those fields, and it also put water on the Little Wire field.

In 1912 when we went to the Klamath Marsh property, there was a diversion at the Cholo Slough in the Little Wire field. The dam was placed in the Cholo slough so that it could dry up the Cholo field and the Lee Ball, Brick Jim, and Ray Bryan fields, and some of the south Kirk field, so that the land could be hayed. This turned the water down the main channel of the Williamson River and cut off the Cholo slough area, the Cholo slough being the natural overflow of the Williamson River, and the dam would be removed the following spring so that the Cholo slough could irrigate these lands. It was definitely a water control measure.

Another dam existed along the north line of Section 24, Township 30 South, Range 9 E.W.M., known as the Ball dam, which took the water north along the east side of the Ball property down to the corner of the Nelson field and was used to irrigate the easterly portion of the Nelson field.

About three or four years prior to the time my father acquired the Mayfield property, the Royce property and Rocky Ford, the Mayfields attempted to put a dam in Rocky Ford in the

Mayfield place and were successful, which affected the land my father had acquired up to that time by drying up the river's supply to the point that he had inadequate water. This occurred about 1924, which was an exceptionally dry year and a year when all of the water levels in the Klamath Marsh area were very low. As a result of this and to solve this problem, my father purchased the Mayfield holding, which consisted of Rocky Ford, the Royce place and the Mayfield place, and discontinued any diversion at Rocky Ford. The Mayfield place was irrigated by waters from Jack Creek and from Long Prairie Creek. Both streams are intermittent and from the return flow of water pumped from the Williamson River by an upstream owner. The over flow of Jackson Creek is the main source of water for Mayfield place.

The purpose of the control of the water in the earlier years of development of the Klamath Marsh valley, was <sup>reduced</sup> provided by excessive flooding of wet lands and to provide irrigation over the dryer lands so that livestock feed could be developed on all parts of the valley and hay produced at the locality <sup>at</sup> has been <sup>invested in</sup> ascertained ~~therefore~~. The records will show the dates of acquisition of various Indian allotments. But the water development had been instigated on many of the allotments prior to the date of actual acquisition of title, and while the same were under lease.

During the summers of 1912 and 1913, we lived in the log cabin with the dirt floor. We papered the log cabin with newspapers. I recall that we tried to fish in the river at the time, using white grubs as bait. I was never successful in catching fish, but some of the bigger boys who had rods and reels caught some fish, as I recall, 24 inches long. We pastured cattle in the area from 1912 on, expanding our operation as my father acquired other allotments by purchase or lease, and acquired leases on tribal lands from time to time, until we had approximately 1000 head of cattle in the area by 1917. Our haying operation in the area, our major haying operation, began in 1918. We had put up saddle horse hay from time to time prior to our principal haying operation.

In 1919, we bought the cattle, horses and some lease rights from a man by the name of Childers, and after this date we commenced haying operation on a larger scale in this area and put up enough hay to winter a couple thousand head of cattle in this area .

In 1917, we built a house at Kirk Springs in the south Kirk field, but prior to this time we had lived in different places, living in cabins that were constructed by Indians.

Beginning with about 1918 we stayed in the Klamath Marsh all winter, which meant that we would be in the area from the middle of November until Spring because the snow was so deep you couldn't get out except possibly by horse back, and that was hazardous. This winter occupancy consisted of from three to five men who were feeding cattle and caring for them. The main access to this area was a road that came from Chiloquin up the south side of the river around Wocus Bay and went on north and east to Silver Lake, Oregon. This was the main access road to this country and was used extensively by people having reason to use the road in the area.

The fields that we hayed are as follows: the Cholo field, the Brick Jim field, the Lee Ball field, the Ray Bryan field, south Kirk field, and the Martha Jim allotment now owned by Ora Sommers. At this time we were pasturing other fields for summer pasture for cattle. As the cattle numbers increased we converted our pasturing operation into a haying operation, and in addition to those mentioned above, and as a result of our diversions in the creek in 1917 and 1918, by 1921 we had developed the Big Wire field and the Little Wire field, and the Timothy field to the extent that we were cutting hay there at that time, and because of the improved pasture in the other areas, we no longer needed this land for pasture. There was also some haying done in the south Kirk field from time to time as the weather conditions and the water levels permitted.

From time to time we leased other allotments which were never acquired and hayed them as the need for cattle feed required.

From my observation the water elevations in this country are closely controlled by the precipitation that falls by way of snow in the drainage area of the Williamson River, and during my knowledge of this area there have been a series of dry years in which the water levels have been very low in the area and irrigation water has been scarce. I particularly remember the year 1917, which was a dry year, when we had to rent other pasture in the Silver Lake area and rely upon our Summer Lake Anna River property for hay production or we moved the cattle for feeding.

The year that I remember most vividly was 1924, when we had <sup>eat</sup> ~~cutting~~ some hay in the Ball Field and when lightening struck in the Little Wocus area, starting a fire. There was enough growth of tules and vegetation on the ground so that the fire spread across the Little Wocus Bay area and burned 30,000 to 40,000 acres of the Marsh land. I recall distinctly spending one night fighting fire to save a hay stack that was located in Section 13 of Township 30 South, Range 9 EWM. We were successful in saving the hay stock, but it took 4 or 5 men all night to suppress it. The fire burned north into the Three Creeks area.

The next dry years I recall occurred in 1931, 1932 and 1933, at which time the major portion of the Klamath Marsh was dry, and cattle were grazing out in the Wocus Bay area presently owned by the Wildlife Service. They grazed all over the area and we actually drove cattle back and forth across this area presently owned by the Fish and Wildlife Service. In this period of time hay was put up in the Little Wocus Bay area and cattle fed there part of the winter. At this point of time the windmills were built in the area in the early 30's for the purpose of supplying livestock water in the swamp area, which was then not available.

Basically, after this time, except for some summertime operations, I was not in the Klamath Marsh area, having been occupied elsewhere.

In the winter of 1955 and 1956, there was a heavy snow fall in the area that pretty well filled the country up with water. Probably 1956 was the year that I saw the most water I have ever seen in the Williamson River.

Going back to the year 1912 and prior to any reclamation work by the Kittredges, the conditions in the several fields were as follows:

MAYFIELD FIELD. Was a dry, wild grass, pumice flat without irrigation, which I understood was rented from the Indian Service by Charlie Pitcher of Silver Lake, Oregon.

TIMOTHY FIELD, LITTLE WIRE FIELD, AND BIG WIRE FIELD were much the same except that along the river there was some big grass created by higher water table and the overflow from the river. So far as the Cholo is concerned it was pastured by Abraham Charlie, an Indian, and he put up a little hay there and fed some cattle. The CHOLO FIELD, the LEE BALL FIELD, the WILLOW FIELD, BRICK JIM, RAY BRYAN, and SOUTH KIRK were meadows overflowed by waters from the Cholo slough which were dammed off to dry up so that hay could be harvested. The hay cut was wild marsh hay and produced probably a ton to the acre, or perhaps a little more. This was the best quality of hay produced in the Klamath Marsh at this time. The ROCK ISLAND, the NORTH KIRK and MITCHELL FIELDS and the west end of the NELSON FIELD were pretty much under water, the Williamson River having lost its defined channel at or near ROCK ISLAND. Cattle grazed around the edges, and as the water receded grazed out into the area further. This area, of course, was used during the summer as the water receded and was also used in the fall and winter when cattle could get out onto the area on the ice and eat the protruding grass, which was sugar grass and was an abundant growth 2 1/2 feet high. This sugar grass is a high grade fodder, and the cattle do exceptionally



well when they can get to the feed to use it. The THREE CREEKS area was filled by water from the Williamson River, it being a low depression which filled up before the Williamson River moved on to the south and on to the Military crossing and into the area presently owned by the Fish and Wildlife Service. Cattle grazed in the Three Creeks area and followed the water back as it receded and dried up, and during the dry years the cattle could get pretty much over the entire area.

Looking now to what is known as the Loosley Place on Spring Creek, also known as and called Lenz Creek, the first time I saw this area was probably 1924 or 1925 when we were moving cattle across the Marsh, driving our beef cattle to the railroad at the Lenz siding. There was a diversion dam at Spring Creek, also known as and called Big Spring Creek and Lenz Creek, on the south line of Seciton 32, Township 30 South, Range 8 EWM, 12 or 14 feet on top and used to divert water to what is now known as the HOME FIELD, POT HOLE FIELD, AND A PORTION OF THE KNOLL FIELD. At the time we drove our beef across there, the headgate was out of Spring Creek. There was one ditch on the ground which diverted the water when the headgate was closed.

In the late 20's we purchased what we called the LOOSLY PLACE. The property known as the PAT KANE FIELD, THE GRAVEYARD FIELD, THE ARTESION FIELD and THE HIGHWAY FIELD were pasture land being irrigated by overflow from Spring Creek or Lenz Creek and additional springs in the area. At the time of the fire in 1924, Loosly had several stacks of hay in this area, and when the fire went through there practically all of this hay was burned by fire. To the best of my recollection this land may have been hayed another year or two, but basically it had been pastured after we purchased it from Loosly.

In 1912 when I first came there deer ~~were~~ very scarce in the area, and I probably didn't see any deer in the area for the first year or two that I was there, and after that time it was an

occasion causing comment when we saw a deer until the late 20's. There was duck shooting on the Marsh in which I participated. The Indians that were in the area when I first saw it were the Ball family, Abraham Charlie and his family, some Skelloggs, and the Jackson family. The non-Indians consisted<sup>ted</sup> of the Jamieson boys, three brothers who were bachelors,<sup>and</sup> the Lenz family in the Lenz Creek area, the wife being Indian and the husband being non-Indian. These people owned some Indian allotments in the area, most of which were unoccupied except as herein related. Occasionally Indians came in in the fall of the year to gather wocus in their dugout canoes in the Wocus Bay area, which would consist of 2 or 3 camps. Most of them were gathering wocus, as nearly as I could tell from their activities. The only one I can recall ever shooting any ducks was Abraham Charlie. I don't recall ever seeing an Indian fish in the area. My recollection is that there were not many allotments for sale until after World War I, the reason for that being, in my opinion, that the Indians got a taste of money from timber sales and after the war ended and the economics were not good, they immediately wanted money and apparently desired to sell their allotments from time to time because they were not getting any particular benefit from them and the rental money didn't seem to satisfy their desires. There was no pressure placed on the Indians to sell these lands in so far as I know either by the purchaser or the Indian Service, and as I recall the deal for both sale and lease was made with some of the Indians who were declared competent by the Indian Service, and you made your deal directly with the Indians. Other allotments had to be leased or purchased through the Indian Service because there was a question of competency of the individual Indians. I can recall that tribal lands were leased on an auction basis by the Indian Service, and you went to the Agency and bid on the tribal lands, and that Indians had the right to meet the high bid. Many of the allotments lay out in the swamp

in the marshy part, and often the Indians enjoyed the fact that my father was buying land where nothing but a duck could get to it.

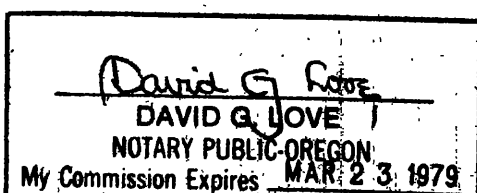
Along in 1930 the Indian Service purchased cattle on behalf of the Indians, with the idea of having them develop a live-stock business. The cattle were not taken care of, and many of them died. The Indian Service purchased other cattle and lost them for 3 or 4 years before it was finally determined that the Indians were not interested in the cattle business in the Klamath Marsh area and desired to live down around the Agency and in the Chiloquin area.

After the commencement of our operation in Klamath Marsh fences were built for the purpose of controlling livestock and pretty much without regard to whether the land was owned or leased. The fences, of course, were expanded from time to time, and the ditches were cleaned and improved to provide water control. Structures were expanded and improved. As to the buildings that existed in the area when I first saw it, there was a good house, a good barn and two old cabins in the Ball claim or allotment. On the Sommers place, a cabin and a shed. There were 2 or 3 buildings on the Jamieson property, which was their headquarters. Two buildings were down at the Kirk Springs, which were log cabins. There was a log cabin on the Abraham Charlie claim, and a big white house on the Jackson place above the Mayfield place. People who had cattle in there in 1912 were the Kittredges, Abraham Charlie, the Ball family and the Skeloggs and the Jamiesons, the Jamiesons and the Kittredges being the only non-Indians.

DATED this 11th day of August, 1977.

Oscar Kittredge  
Oscar Kittredge

Scribed and sworn to before me this 11th day of August 1977.



DAVID G. LOVE  
Notary Public for Oregon  
My Commission Expires MAR 23 1979