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<p>After recording return to:</p> <p>Laura A. Schroeder Schroeder Law Offices, P.C. PO Box 12527 1915 NE 39th Ave. Portland, OR 97212-0527</p> <p><i>Aspen 3953</i></p>	<p>Vol <u>M03</u> Page <u>90230</u></p> <p>State of Oregon, County of Klamath Recorded 12/10/03 <u>1:07 PM</u> Vol M03 Pg <u>90230-33</u> Linda Smith, County Clerk Fee \$ <u>36.00</u> # of Pgs <u>4</u></p>
<p>Until requested otherwise send all tax statements to:</p> <p>No Change</p>	

WATER DELIVERY EASEMENT

AFFIDAVIT

90231

STATE OF OREGON)
County of Lake) ss.

I Dallas Givan being first duly sworn, depose and say:

I presently live in Surprise Valley in Modoc County California, that I went to work for the Klamath Indian Reservation in the year 1934, as a cattle management employee. At this time the Indian Service purchased 20,000 head of cattle for the drouth area out of Idaho and other states lying to the East of Oregon, and brought them to the Klamath Indian Reservation to be pastured, some of which cattle ran upon the Klamath Marsh. My job was to allocate the cattle to the various Indians interested in the Klamath Reservation. Part of my job was to divide the Marsh up so that the Indian users and lessees could produce some hay and run some cattle. At this time there was in the Marsh some non-Indians being the Emery family, the Bill Lane family, the Bill Kittridge family, in addition to Indian users which included Ora Sommers and Mammie Fransworth who had land in the area.

At this time a dispute arose between the various users on the Marsh as to what portion each should use and I took a mower and moved some lines across the marsh and told the various people to build fences on these lines and allocated different pieces to each of them.

The water level in the Klamath Marsh had been very low in 1931 and 32, but it begin to come back by 1934. There were several diversions in the Williamson River so that the water could be shifted into the Cholo Slough and down to the Military Crossing when we wanted to dry up the Three Creeks country so that could be turned back from the Three Creeks country for the purpose of irrigating the country irrigated by the Cholo Slough country including the Kittridge properties, this manipulation of water

permitted a maximum use of the hay and grazing land area known as the Klamath Marsh.

The 20,000 head of cattle were issued all over the reservation but there was 2,000 head of cattle at least in the Marsh area. The arrangement with the Indians was that they had to return a yearling heifer to the Indian Service for each cow received during a five year contract period. They could sell the steers for running expenses. These arrangements continued up until 1950 when I left the reservation and of this period of time the Klamath Marsh was used for hay production and grazing of cattle. The water was manipulated so that the lands to be hayed could be dried out and after the hay was put up it could then be irrigated so that there would be some crop after math for grazing after haying. After 1951 I understand the most of these Indian cattle were sold by the owners after they had paid off their obligation. The Indians themselves paid no pasture money but the return of the yearling heifer was the only return to the Indian Service they had to make.

The Marsh was enclosed around the outside boundary with a stake and rider fence in some places and in other places trees had been felled to use as fences.

I have seen cattle all over Little and Big Wocus Bay Country. When I first knew and saw the Klamath Marsh I was working for Bill Lane who had land in the Three Creeks country which would be about 1930. At this time the marsh was pretty much a mountain meadow type of land except at the lower end which was swampy. It would be late in the year perhaps August 1, before the cattle could get into the Wocus Bay Country and they would start to graze the land following the water back as it evaporated.

DATED this 15th day of August, 1977,

Dallas Givan
Dallas Givan

Scribed and Sworn to before me this 15th day of

August, 1977.

Barbara Smoller
Notary Public for Oregon
My Commission Expires: 9-10-78

90233

LEGAL DESCRIPTION

Parcel One:

Parcel 2 of Land Partition 18-98 located in Sections 8, 9, 10, 11, 16, 17, 18, 19, 20 and 21 in Township 30 South, Range 10 East of the Willamette Meridian.

Parcel Two:

NE ¼ NW ¼ of Section 20, Township 30 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.