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<p>After recording return to:</p> <p>Laura A. Schroeder Schroeder Law Offices, P.C. PO Box 12527 1915 NE 39<sup>th</sup> Ave. Portland, OR 97212-0527</p> <p><i>Aspen 3954</i></p> <p>Until requested otherwise send all tax statements to:</p> <p>No Change</p>	<p>Vol <u>M03</u> Page <u>90234</u></p> <p>State of Oregon, County of Klamath Recorded 12/10/03 <u>1:07</u> p m Vol M03 Pg <u>90234-37</u> Linda Smith, County Clerk Fee \$ <u>36.00</u> # of Pgs <u>4</u></p>
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**WATER DELIVERY EASEMENT**

## A F F I D A V I T

STATE OF OREGON     )  
                               ) ss  
 County of Klamath    )

I, FRIEDMAN KIRK, being first duly sworn, depose and say:

That I am a resident and inhabitant of Chiloquin, Klamath County, Oregon; that I was born in 1911 at Fort Klamath, Oregon, and have lived all my life in the vicinity and on the Klamath Indian Reservation, and was a member of the Klamath Indian Tribe.

That my people have owned allotments in the Klamath Marsh area ever since I can remember. I can recall going to the Klamath Marsh area as early as 1915 with my family, who had some allotments of land within the Klamath Marsh area where they ran cattle during the summer months.

That I have repurchased some of the Indian allotments formerly owned by my family in the Klamath Marsh area, which I now own.

In my earliest remembrance, cattle were driven into the Klamath Marsh area in the spring of the year for pasturing. They grazed in the Klamath Marsh area as the water receded from the allotments of my parents, and my family. These cattle grazed on the marsh from early spring about April or May until late September or October, depending upon the weather conditions. In the spring of the year the cattle were driven from Agency Lake by horsemen and the family came by wagon to the Marsh. In later years they has a car. My first remembrance of the allotments were that they were enclosed by pole fences consisting of posts set in the ground and then poles nailed to the posts to make the enclosures.

The irrigation development consisted of letting the water that came with the snow melt in the spring covering the land, and then as it evaporated and drained over the reef, of course, the land dried out, and we could use a greater area for pasture. I also recall some families that put up hay on their land and then would stay there all winter feeding their

cattle. They would take the necessary food supplies in with them in the fall of the year to last them until spring.

In the normal years the snow was so deep the only possible way for them to get out would be horseback.

I have no recollection of any member of my family gathering wocus in the Klamath Marsh area. Most of the wocus was gathered in the vicinity of Klamath Lake, also know as Agency Lake.

In later years, probably the 1920's some of the tribal land was rented to non-Indians on a sealed bid basis, which was held at the Klamath Indian Agency. The Indian always had the right to meet the highest bid and become the lessee of any particular lands.

My family lived in the winter time near Fort Klamath and at the agency, going to the Klamath Marsh area to summer pasture the cattle.

I went to work for the Klamath Indian Agency for about a year beginning in 1934 as a laborer in fire protection. I began scaling logs for the Indian Service in 1936 and worked as a scaler until 1961, when I retired.

I claim an Indian water right for the lands now owned by me in the Klamath Marsh area for such an amount as will make them productive for grazing of livestock and hay.

That ever since I can remember this land has been continuously used for the grazing and feeding of livestock. Some people wintering there, others coming in the spring and summer months.

Friedman Kirk

Subscribed and sworn to before me this 7th day of December 1977.

Shadane R. Carter  
Notary Public for Oregon  
My commission expires: June 18, 1979

90237

**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.**