

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
WATER RESOURCES DEPARTMENT

In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River,  
a Tributary of the Pacific Ocean

United States of America; The Klamath Tribes; Klamath Irrigation District; Klamath Drainage District; Tulelake Irrigation District; Klamath Basin Improvement District; Ady District Improvement Company; Enterprise Irrigation District; Malin Irrigation District; Midland District Improvement Co.; Pine Grove Irrigation District; Pioneer District Improvement Company; Poe Valley Improvement District; Shasta View Irrigation District; Sunnyside Irrigation District; Don Johnston & Son; Bradley S. Luscombe; Randy Walthall; Inter-County Title Company; Winema Hunting Lodge, Inc.; Van Brimmer Ditch Company; Plevna District Improvement Company; Collins Products, LLC; ~~Horsefly Irrigation District; Langell Valley Irrigation District; Rogue River Valley Irrigation District; Medford Irrigation District;~~  
Contestants

vs.

Brian E. Allen, Sharon Allen; Edward Combs, Cindy Combs; L.A. Gienger; L.A. Gienger and Pauline H. Gienger, dba Gienger Investments; Gienger Enterprises, Inc.; Melinda Cauvin and Loren C. Walsh;  
Claimants, and

Modoc Point Irrigation District; Estate of Maryetta Gentry; Lloyd Lee Hall, Bonnie Hall; Stephen Hess, Melissa Hess; Stephen Lang, Beverly Lang; Nancy Ridenour; Marylyn Sheppard-Blair; Harry Clarkson Estate; ~~Mary Nan Reyes~~  
Claimants/Contestants.

**STIPULATION TO  
RESOLVE CONTESTS**

**Claim 84**

Cases: 209, 62, 63, 51, 243, 244, 59, 69,  
71, 250, 88, 252, 98, ~~269, 270~~

Claims: 84, 241, 243, 248,  
250, 253, 260, 266, 269, 682,  
688, 700, 702 ~~705, 706~~ [1]

Contests: 1724, 1725, 1729, 1737, 1742,  
1744, 1759, 1769, ~~1770, 1771, 1772,~~  
~~2839~~ [2], 3260 [3], ~~3261~~ [4], 3278, 3473  
[5], ~~3528~~ [6], 3529, 3532 [7], 3534,  
3536, ~~3542~~ [8], ~~3547~~ [9], 3550 [10],  
~~3565, 3569~~ [11], ~~3578, 3580, 3581, 3582,~~  
~~3635, 3745, 3774, 3775, 3777, 3778~~ [12],  
4129, 4204, 4205, 4239, ~~4241~~ [13]

[1] On April 18, 2006, the Administrative Law Judge issued an ORDER GRANTING JOINT MOTION FOR RULING ON LEGAL ISSUES AND PROPOSED ORDER DENYING CLAIM NOS. 705 AND 706. Since these Claims were denied, the associated Contests 1770, 1771, 1772, 3260, 3261, 3581 and 3582 are no longer at issue.

[2] WaterWatch of Oregon, Inc.'s Contest 2839 was dismissed. See ORDER DISMISSING WATERWATCH OF OREGON, INC.'S CONTESTS, May 20, 2003.

[3] Horsefly Irrigation District and Langell Valley Irrigation District voluntarily withdrew from Contest 3260. See, VOLUNTARY WITHDRAWAL OF CONTEST NOS. 3260 & 3261 BY LANGELL VALLEY AND HORSEFLY IRRIGATION DISTRICTS, dated April 22, 2005.

Claimant Modoc Point Irrigation District (“MPID”), Contestants the United States of America (“United States”) and the Klamath Tribes (“Tribes) (collectively referred to herein as the “Parties”), and the Oregon Water Resources Department (“OWRD”), hereby agree and stipulate, and request the Adjudicator to resolve Claim 84 and Contests to Claim 84 as follows:

**A. STIPULATED FACTS**

1. MPID is an irrigation district organized pursuant to Oregon state law, Oregon Revised Statutes chapter 545, *et. seq.* The existing MPID boundaries are described by metes and bounds in Exhibit A, affixed hereto.

2. On January 29, 1991, MPID filed Claim 84 in the Klamath Basin Adjudication (“KBA”) which asserted *Walton* water rights [14] for irrigation of certain lands within the boundaries of MPID.

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[4] Horsefly Irrigation District and Langell Valley Irrigation District voluntarily withdrew from Contest 3261. *See*, VOLUNTARY WITHDRAWAL OF CONTEST NOS. 3260 & 3261 BY LANGELL VALLEY AND HORSEFLY IRRIGATION DISTRICTS, dated April 22, 2005.

[5] Don Vincent voluntarily withdrew from Contests 3473, 3528, 3529, 3532, 3534, 3542, 3547, 3550, 3565, 3569, 3579, 3580, 3581, 3582, and 3635 on December 4, 2000. Berlva Pritchard voluntarily withdrew from Contests 3473, 3528, 3529, 3532, 3534, 3542, 3547, 3550, 3565, 3569, 3579, 3580, 3581, 3582, and 3635 on June 24, 2002. Klamath Hills District Improvement Co. voluntarily withdrew from Contests 3473, 3528, 3529, 3532, 3534, 3542, 3547, 3550, 3565, 3569, 3579, 3580, 3581, 3582, and 3635 on January 15, 2004.

[6] Klamath Project Water Users voluntarily withdrew Contest 3528 on September 16, 2003.

[7] Klamath Project Water Users voluntarily withdrew Contest 3532 on April 7, 2005.

[8] Klamath Project Water Users voluntarily withdrew Contest 3542 on September 16, 2003.

[9] Klamath Project Water Users voluntarily withdrew Contest 3547 on April 7, 2005.

[10] Klamath Project Water Users voluntarily withdrew Contest 3550 on April 7, 2005.

[11] Klamath Project Water Users voluntarily withdrew Contest 3569 on April 7, 2005.

[12] The United States voluntarily withdrew Contest 3778 on June 4, 2007.

[13] The Klamath Tribes voluntarily withdrew Contest 4241 on May 30, 2007.

[14] *Walton* water rights refer to water rights of a non-Indian successor to an Indian allottee. The elements of *Walton* water rights were announced in the *Colville Confederated Tribes v. Walton* line of cases. *Colville Confederated Tribes v. Walton*, 460 F. Supp. 1320 (E.D. Wash. 1978) (*Walton I*); *Colville Confederated Tribes v. Walton*, 647 F.2d 42 (9<sup>th</sup> Cir. 1981), *cert. denied*, 454 U.S. 1092 (1981) (*Walton II*);

3. Also in January 1991, a group of Indian Allottees who owned land within the boundaries of MPID filed Claims 241, 243, 248, 250, 253, 260, 266, 269, 682, 688, 700, 702, 705, and 706. These fourteen individual claims asserted Indian Allottee rights to use water for irrigation of lands that overlapped lands described as the place of use for irrigation claimed in Claim 84.

4. On October 4, 1999, the Adjudicator issued Preliminary Evaluations for Claims 84, 241, 243, 248, 250, 253, 260, 266, 269, 682, 688, 700, 702, 705, and 706.

5. On August 15, 2003, the United States filed its *Motion for Consolidation of Related Claims and Contests*. The Motion sought consolidation of the fourteen individual claims outlined in paragraph 3 above with Claim 84 since the lands at issue in the claims overlapped in some cases. On October 15, 2003, the ALJ issued an *Order Granting Motion to Consolidate* the fourteen individual claims with Claim 84 into Consolidated Case Number 209. Accordingly, Consolidated Case 209 includes Claims 84, 241, 243, 248, 250, 253, 260, 266, 269, 682, 688, 700, 702, 705, and 706 (“Consolidated Case 209 Claims”).

6. In 2000, contests were filed to claims in the KBA. The following Contests were filed to Claim 84: Contest 3278, filed by MPID; Contest 3473, filed by the Klamath Project Water Users (“KPWU”); Contest 3745, filed by the United States; and Contest 4129 filed by the Tribes. Contest 2839, filed by Waterwatch of Oregon, Inc., is no longer at issue because Waterwatch was dismissed from the Adjudication on May 20, 2003.

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*Colville Confederated Tribes v. Walton*, 752 F.2d 397 (9<sup>th</sup> Cir. 1985), *cert. denied*, 475 U.S. 1010 (1986) (*Walton III*).

Hereinafter, "Claim 84 Contestants" refers to the United States and the Tribes. The KPWU will withdraw their contest upon receipt of this fully executed stipulation.

7. The following Contests were filed to Claim 241: Contest 1724, filed by Maryetta Gentry, a member of the Tribes and the original Claimant; and Contest 3528, filed by KPWU. The Claim was assigned to Cecil Gallagher, a member of the Tribes who currently owns the property described as the place of use in Claim 241. KPWU withdrew Contest 3528 on September 16, 2003.

8. The following Contests were filed to Claim 243: Contest 1725, filed by Lloyd Lee Hall, a member of the Tribes and the original Claimant; and Contest 3529, filed by KPWU. Pete Bourdet, a non-Indian, currently owns the property described as the place of use in Claim 243.

9. The following Contests were filed to Claim 248: Contest 1729, filed by Claimants Stephen and Melissa Hess, members of the Tribes; and Contest 3532, filed by KPWU. KPWU withdrew Contest 3532 on April 7, 2005.

10. The following Contests were filed to Claim 250: Contest 3774, filed by the United States; Contest 4204, filed by the Klamath Tribes; and Contest 3534, filed by KPWU. Claim 250 was originally filed by Leroy Hicks, a member of the Tribes. Brian and Sharon Allen, non-Indians, currently own the property described as the place of use in Claim 250.

11. The following Contests were filed to Claim 253: Contest 3775, filed by the United States; Contest 4205, filed by the Klamath Tribes; and Contest 3536, filed by KPWU. Claim 253 was originally filed by Ramon and Peggy Jimenez, members of the

Tribes. Edward and Cindy Combs, non-Indians, currently own the property described as the place of use in Claim 253.

12. The following Contests were filed to Claim 260: Contest 1737, filed by Claimants Stephen and Beverly Lang, members of the Tribes; and Contest 3542, filed by KPWU. KPWU withdrew Contest 3542 on September 16, 2003.

13. The following Contests were filed to Claim 266: Contest 1742, filed by Claimant Nancy Ridenour, a member of the Tribes; and Contest 3547, filed by KPWU. KPWU withdrew Contest 3547 on April 7, 2005.

14. The following Contests were filed to Claim 269: Contest 1744, filed by Claimant Marylyn Sheppard-Blair, a member of the Tribes; and Contest 3550, filed by KPWU. KPWU withdrew Contest 3550 on April 7, 2005.

15. The following Contests were filed to Claim 682: Contest 3777, filed by the United States; Contest 4239, filed by the Klamath Tribes; and Contest 3565, filed by KPWU. Claim 682 was originally filed by Aaron Smith, a member of the Tribes. L.A. and Pauline Gienger, dba Gienger Enterprises, non-Indians, currently own the property described as the place of use in Claim 682.

16. The following Contests were filed to Claim 688: Contest 1759, filed by Claimant, Leroy Hicks as the representative of the Harry Clarkson Estate, an Indian estate; and Contest 3569, filed by KPWU. KPWU withdrew Contest 3569 on April 7, 2005.

17. The following Contests were filed to Claim 700: Contest 3778, filed by the United States; Contest 4241 filed by the Tribes; and Contest 3578, filed by KPWU. Claim 700 was originally filed by William and Karen Ray, members of the Tribes.

Melinda Cauvin and Loren Walch, non-Indians, currently own the property described as the place of use in Claim 700. The Tribes withdrew Contest 4241 on May 30, 2007 and the United States withdrew Contest 3778 on June 4, 2007.

18. The following Contests were filed to Claim 702: Contest 1769, filed by Claimant Marylyn Sheppard-Blair, a member of the Tribes and the Claimant; and Contest 3580, filed by KPWU. KPWU withdrew Contest 3580 on September 16, 2003.

19. Since 1991, certain Indian Allottee claimants sold their land to non-Indians. The following list provides an overview of the current landowners by Claim Number:

| Claim Number | Current Landowner  | Current Status |
|--------------|--|----------------|
| 241          | Cecil Gallagher  | Indian         |
| 243          | Pete Bourdet   | Non-Indian     |
| 248          | Stephen & Melissa Hess   | Indian         |
| 250          | Brian E. & Sharon Allen  | Non-Indian     |
| 253          | Edward & Cindy Combs   | Non-Indian     |
| 260          | Stephen & Beverly Lang   | Indian         |
| 266          | Nancy Ridenour   | Indian         |
| 269          | Marilyn Sheppard-Blair   | Indian         |
| 682          | L.A. & Pauline Gienger<br>Gienger Investments, Inc.<br>Gienger Enterprises | Non-Indian     |
| 688          | Emmett Hicks,<br>Representative of Harry<br>Clarkson Estate                | Indian         |
| 700          | Melinda Cauvin &<br>Loren Walch  | Non-Indian     |

|     |                        |        |
|-----|------------------------|--------|
| 702 | Marilyn Sheppard-Blair | Indian |
|-----|------------------------|--------|

20. On April 18, 2006, Administrative Law Judge Ken Betterton issued an *Order Granting Joint Motion for Ruling on Legal Issues and Proposed Order Denying Claim Nos. 705 and 706*. As a result, Claims 705 and 706 were denied and the corresponding Contests 1770, 1771, 1772, 3260, 3261, 3581 and 3582 are no longer at issue.

21. MPID, by certified mail, requested that each individual claimant in Case 209 (see table in Paragraph 19) with a described place of use overlapping Claim 84, either elect to withdraw the overlapping place of use, or allow MPID to withdraw the overlapping place of use in Claim 84. As indicated below, four (4) individual claimants notified MPID that they would withdraw their individual claims in favor of the place of use described in Claim 84 and eight (8) individual claimants requested MPID to withdraw the overlapping portion of Claim 84 in favor of their individual claims.

22. Claimants for Claims 243 (Bourdet), 250 (Allen), 253 (Combs) and 682 (Geinger) by their signatures upon this Stipulation agree to withdraw their claims simultaneously with the completed execution of this Stipulation by all parties. Based on the withdrawal of these claims on execution of this Stipulation, the associated Contests to these Claims are no longer at issue: Contests 1725, 3529, 3774, 3534, 3775, 3536, 3777, and 3565. By their notification of election to MPID, attached hereto as Exhibits B – E, the Claimants to the above designated claims acknowledge and understand that the only remaining claim on the subject lands is Claim 84.

23. MPID does hereby conditionally withdraw those portions of Claim 84 that overlap with the place of use described in Claims 241 (Gallagher), 248 (Hess), 260 (Lang), 266 (Ridenour), 269 (Sheppard), 688 (Hicks), 700 (Cauvin/Walch) and 702 (Sheppard). MPID's withdrawal of Claim 84 on these lands is conditional upon the completion of settlements between the individual claimants/contestants in Claims 241, 248, 260, 266, 269, 688, 700, 702 and OWRD by November 9, 2007 ("settlement condition precedent"). If on November 9, 2007, the settlement condition precedent is not met, MPID's withdrawal of Claim 84 on these lands is null and void. In the event that MPID's withdrawal of Claim 84 on these lands is null and void after November 9, 2007, MPID and OWRD will attend the hearing scheduled for November 13, 2007 and propose a schedule for resolution of the overlap of Claim 84 with lands included in Claims 241, 248, 260, 266, 269, 688, 700 and 702. By its partial conditional withdrawal, attached hereto as Exhibit F, MPID acknowledges Claim 84 no longer includes the lands subject to Claims 241, 248, 260, 266, 269, 688, 700 and 702 as long as the settlement conditions precedent are met by November 9, 2007.

24. MPID, the United States, the Tribes, and OWRD agree that all Contests to Claim 84 can be resolved without the need for a hearing pursuant to the terms set forth below.

**B. TERMS OF STIPULATION**

1. MPID, Claim 84 Contestants, and OWRD agree that Claim 84 should be approved by the Adjudicator to the extent described below.

a. **CLAIM 84, MPID CLAIMANT**

The water use approved pursuant to Claim 84 and outlined below in Sections B.1.a.i – Section B.1.a.ii reflects a settlement of Claim 84 made by MPID and the signatory parties. The resulting water right certificate shall be held in the name of MPID.

The water use approved below includes and resolves the overlapping places of use described in Claims 243 (Bourdet), 250 (Allen), 253 (Combs), and 682 (Gienger) hereinafter “individual signatory Claimants.” The portions of Claim 84 that describe places of use that overlap with Claims 241 (Gallagher), 248 (Hess), 260 (Lang), 266 (Ridenour), 269 (Sheppard), 688 (Hicks) and 702 (Sheppard) are resolved as to Claim 84 as a result of the conditional withdrawal of those portions of Claim 84. This Stipulation does not resolve Claims 241, 248, 260, 266, 269, 688, 700 and 702.

i. IRRIGATION

POINT OF DIVERSION LOCATION / SOURCE / RATE

The current point of diversion is the Chiloquin Dam within the NE1/4 SE1/4 of Section 3, Township 35 South, Range 7 East, W.M., with a source from the Sprague River, tributary to the Williamson River.

Consistent with and pursuant to OAR 690-003-0085, MPID filed a timely claim amendment describing relocated or additional points of diversion that may be added in the future. MPID’s claim amendment described points of diversion from the Williamson River diverted at a point downstream from the existing diversion point on the Sprague River, consistent with OAR 690-030-0085(2)(f), that provides “a downstream source does not constitute a different source, even where the source has a different name at the downstream location, if the source of the original diversion is on the mainstem of or a tributary to the source for the additional or relocated downstream point(s) of diversion.”

The following Points of Diversion, with corresponding rates of diversion and sources, are in addition to, and downstream from, the current Point of Diversion identified in Claim 84:

| <b>Point of Diversion Location</b>  | <b>Source</b>                                    | <b>Rate (cfs)</b> | <b>Adkins 12/06 POD Map #</b> |
|---|--|-------------------|-------------------------------|
| Within Gov. Lot 14, in the NE ¼ NW ¼ of Section 3, Township 35 South, Range 7 East, W.M.  | Sprague River, tributary to the Williamson River | 0.42              | 9                             |
| Within Gov. Lot 15, in the SW ¼ SW ¼ of Section 10, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.60              | 10                            |
| Within Gov. Lot 20, in the SE ¼ NE ¼ of Section 16, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.29              | 11                            |
| Within Gov. Lot 10, in the NE ¼ NE ¼ of Section 21, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 61.00             | 12                            |
| Within Gov. Lot 20, in the SE ¼ NW ¼ of Section 21, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 2.69              | 2                             |
| Within Gov. Lot 16, in the SW ¼ NW ¼ of Section 20, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.02              | 3                             |
| Within Gov. Lot 21, in the NE ¼ SE ¼ of Section 19, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.67              | 4                             |
| Within Gov. Lot 24, in the SE ¼ SE ¼ of Section 19, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.01              | 5                             |
| Within Gov. Lot 34, in the SW ¼ SW ¼ of Section 20, Township 35 South, Range 7 East, W.M. | Williamson River                                 | 0.01              | 6                             |

|   |                  |      |   |
|---|------------------|------|---|
| Within Gov. Lot 34, in the SW ¼ SW ¼ of Section 20, Township 35 South, Range 7 East, W.M. | Williamson River | 0.01 | 7 |
| Within Gov. Lot 9, in the NW ¼ NE ¼ or Section 31, Township 35 South, Range 7 East, W.M.  | Williamson River | 2.40 | 8 |

As provided in MPID's claim amendment, use of the Chiloquin Dam point of diversion is allowed only until the Chiloquin Dam is removed. MPID diversions will be made consistent with the *Measuring Devices and Diversion Records Agreement*, attached as Exhibit F to this Stipulation. The Parties and OWRD acknowledge that the rates listed for each Point of Diversion, above, are subject to minor alterations pending MPID's submission of a final settlement map and place of use listing, as described in the "PLACE OF USE" sub-paragraph of this Paragraph B.1.a.i. The final settlement map and place of use listing will depict and describe the place of use served by each Point of Diversion, along with the rate for each Point of Diversion. The Parties and OWRD agree that such minor alterations are consistent with the terms of the Stipulation, provided that the overall rate for irrigation from the combined Points of Diversion not exceed 68.12 cubic feet per second, and the rate from any given Point of Diversion not exceed the rate for that Point of Diversion as claimed by MPID in its December 2006 Affidavit and Request for Additional or Relocated Point(s) of Diversion.

PRIORITY DATE: October 14, 1864

USE: Irrigation of 4,243.88 acres

OVERALL RATE: 68.12 cubic feet per second

DUTY: up to 10,478 acre feet per irrigation season, measured at the point(s) of diversion.

PERIOD OF USE: April 15 – November 1

PLACE OF USE: The following place of use listing is based on acreage in a given Klamath County Assessor's Office Parcel Number, rather than acreage in a given quarter-quarter or government lot. The parties and OWRD agree that MPID will submit an acceptable settlement map and place of use listing, depicting the location and number of irrigated acres within each quarter-quarter or government lot, as appropriate. A draft of the settlement map and place of use listing must be submitted to OWRD by May 15, 2008. A final settlement map and place of use listing must be submitted to OWRD by July 1, 2008.

Attached to the Stipulation as Exhibits G and H are a map and place of use listing filed in December 2006, accompanying MPID's Affidavit and Request for Additional or Relocated Point(s) of Diversion.

The acreage depicted on the settlement map and included in the settlement place of use listing will not exceed the acreage in any given quarter-quarter as compared to the place of use listing in this Paragraph B.1.a.i., or in the December 2006 map and place of use listing, or depict acreage outside the boundaries of the claimed area as shown on the December 2006 map.

| Township/Range | Section | Quarter/Quarter                     | Acres | Owner                   |
|----------------|---------|-------------------------------------|-------|-------------------------|
| T35S R7E       |         |                                     |       |                         |
|                | 3       | NW ¼ NW ¼                           | 2.2   | Glen and Bonnie Kircher |
|                |         | SE ¼ NW ¼<br>SW ¼ NE ¼<br>NW ¼ SE ¼ | 10.4  | Glen and Bonnie Kircher |

|  |    |   |       |   |
|--|----|---|-------|---|
|  | 4  | NE ¼ NE ¼   | 2.0   | Glen and Bonnie Kircher                   |
|  | 16 | SE ¼ NE ¼<br>NE ¼ SE ¼<br>NE ¼ NE ¼                           | 18.6  | Stephen Hilbert                           |
|  | 20 | SE ¼ SW ¼   | 6.6   | Peter Bourdet                             |
|  |    | SE ¼ SW ¼   | 0.1   | Peter Bourdet                             |
|  |    | SW ¼ NW ¼   | 1     | Lois Manning                              |
|  |    | SW ¼ SW ¼   | 0.6   | Alex McCellan                             |
|  |    | SW ¼ SW ¼   | 0.4   | Fred Mulkey                               |
|  |    | SW ¼ SE ¼   | 38    | Peter Bourdet                             |
|  |    | SE ¼ SW ¼   | 7.8   | Peter Bourdet                             |
|  |    | NW ¼ SW ¼<br>SW ¼ NW ¼<br>SW1/4SW1/4                          | 26.6  | Peachy and Carol Thomas                   |
|  |    | SE ¼ SE ¼   | 18    | Tracie Thornburg                          |
|  |    | NE ¼ SE ¼<br>SE ¼ SE ¼  | 51.9  | Milan and Wanda Vladoic                   |
|  | 21 | NW ¼ NE ¼<br>NE ¼ NE ¼<br>SW ¼ NE ¼<br>SE ¼ NE ¼              | 8     | Stephen Hilbert                           |
|  |    | NW ¼ SW ¼<br>SW ¼ SW ¼  | 49.9  | Milan and Wanda Vladoic                   |
|  |    | SE ¼ NW ¼<br>NE ¼ SW ¼<br>SE ¼ SW ¼<br>NW ¼ SW ¼<br>SW ¼ NW ¼ | 96    | Thelma Stewart<br>(Permit #45058)         |
|  |    | NW ¼ SW ¼   | 6.47  | Keith and Evelyn Caldwell (Permit #45058) |
|  | 28 | NW ¼ NW ¼<br>SW ¼ NW ¼  | 70.7  | John Richardson                           |
|  |    | NE ¼ NW ¼<br>SE ¼ NW ¼<br>SE ¼ NW ¼                           | 61.4  | John Richardson                           |
|  |    | NW ¼ SW ¼   | 39    | John Richardson                           |
|  |    | NE ¼ SW ¼   | 28.5  | John Richardson                           |
|  |    | SW ¼ SE ¼<br>NW ¼ SE ¼  | 74.2  | John Richardson                           |
|  |    | SW ¼ SW ¼   | 31.3  | John Richardson                           |
|  |    | NE ¼ SW ¼<br>SE ¼ SW ¼  | 47    | Lyle Haney (Haney Ranch)                  |
|  | 29 | NW ¼ SW ¼   | 11.23 | Brian and Sharon                          |

|  |    |                                     |       |                                   |
|--|----|-------------------------------------|-------|-----------------------------------|
|  |    |                                     |       | Allen                             |
|  |    | SW ¼ SW ¼                           | 30    | Brian and Sharon Allen            |
|  |    | NE ¼ NE ¼<br>SE ¼ NE ¼              | 56.4  | Bill Boyd                         |
|  |    | NW ¼ NW ¼                           | 4.9   | Bradbury Cheney/Seedy Elsie, Inc. |
|  |    | NE ¼ SE ¼                           | 19.5  | Bill Boyd                         |
|  |    | SE ¼ SE ¼                           | 6     | Robin Fraley                      |
|  |    | SW ¼ SE ¼                           | 25    | Paul Goebel                       |
|  |    | NW ¼ SW ¼                           | 15    | Rita Mills                        |
|  |    | NW ¼ SW ¼<br>NE ¼ SW ¼<br>SE ¼ SW ¼ | 71.48 | James Severin                     |
|  |    | NW ¼ SW ¼                           | 1     | James Severin                     |
|  |    | NE ¼ SE ¼                           | 1.2   | Alice (Dixie) Taylor              |
|  |    | SE ¼ SE ¼                           | 20.54 | Alice (Dixie) Taylor              |
|  |    | NE ¼ NE ¼                           | 19    | Tracie Thornburg                  |
|  |    | NE ¼ SE ¼                           | 8.9   | Rick Ward                         |
|  |    | SW ¼ NW ¼                           | 19.16 | Joyce Wiest                       |
|  |    | SE ¼ NE ¼<br>SW ¼ NW ¼<br>SE ¼ NW ¼ | 75.4  | H.G. Wolff Ranch                  |
|  |    | SW ¼ NE ¼<br>NW ¼ SE ¼              | 47    | H.G. Wolff Ranch                  |
|  |    | NE ¼ NW ¼<br>NW ¼ NW ¼              | 35    | Cathy Wolff Briggs                |
|  |    | NW ¼ SW ¼<br>NE ¼ SW ¼              | 9.25  | Ross and Molly Yeaman             |
|  | 30 | SW ¼ SE ¼<br>SE ¼ SE ¼<br>SE ¼ SW ¼ | 35.22 | Brian and Sharon Allen            |
|  |    | NE ¼ NE ¼<br>SE ¼ NE ¼              | 26    | Joyce Wiest                       |
|  | 31 | NE ¼ NE ¼<br>NE ¼ NW ¼<br>NW ¼ NE ¼ | 58.94 | Brian and Sharon Allen            |
|  |    | NW ¼ NE ¼                           | 13.46 | Nedwyn Friedman                   |
|  |    | SW ¼ NE ¼<br>SE ¼ NE ¼              | 10.09 | Nedwyn Friedman                   |
|  | 32 | NW ¼ NW ¼                           | 14.88 | Brian and Sharon Allen            |

|          |    |  |       |                        |
|----------|----|--|-------|------------------------|
|          |    | SE ¼ NW ¼  | 1     | Janet Barnes           |
|          |    | SE ¼ NW ¼  | 34    | Denis Barry            |
|          |    | NE ¼ NE ¼  | 4.44  | Larry Belau            |
|          |    | NE ¼ SE ¼  | 35    | Francois Etchevers     |
|          |    | NW ¼ SE ¼  | 15.65 | Francois Etchevers     |
|          |    | NW ¼ SE ¼  | 16.33 | Francois Etchevers     |
|          |    | NW ¼ SE ¼  | 3.02  | Francois Etchevers     |
|          |    | SW ¼ SE ¼<br>SE ¼ SE ¼<br>SE ¼ SW ¼              | 75    | Francois Etchevers     |
|          |    | NW ¼ SW ¼  | 30    | Nedwyn Friedman        |
|          |    | SW ¼ SW ¼  | 14    | Nedwyn Friedman        |
|          |    | NW ¼ NE ¼  | 37    | Paul Goebel            |
|          |    | NE ¼ NW ¼<br>E ½                                 | 22.56 | Margaret Sellers       |
|          | 33 | SW ¼ NW ¼<br>NW ¼ SW ¼                           | 70    | Arthur Atchison        |
|          |    | NE ¼ SW ¼  | 38    | Arthur Atchison        |
|          |    | NE ¼ NE ¼<br>NW ¼ NE ¼<br>SW ¼ NE ¼<br>SE ¼ NE ¼ | 74.7  | Inger Burns            |
|          |    | NW ¼ NW ¼  | 34    | Thomas Carnahan        |
|          |    | NW ¼ NE ¼<br>NE ¼ NE ¼                           | 12    | Jerry Jones            |
|          |    | NW ¼ SE ¼  | 39    | Loren and Laura Little |
|          |    | NE ¼ SE ¼  | 16.3  | Loren and Laura Little |
|          |    | SW ¼ SE ¼  | 35    | Loren and Laura Little |
|          |    | SW ¼ SW ¼<br>SE ¼ SW ¼                           | 35    | Loren and Laura Little |
|          |    | NE ¼ NW ¼  | 4.77  | James McCuision        |
|          |    | NW ¼ NW ¼  | 1.5   | David Northup          |
|          |    | NE ¼ NE ¼<br>SE ¼ SE ¼                           | 67    | Timothy Wiest          |
| T36S R7E |    |  |       |                        |
|          | 3  | SW ¼ NW ¼  | 9.2   | Edward and Cindy Combs |
|          |    | SW ¼ SW ¼  | 12.5  | Daryle Zierke          |
|          |    | SW ¼ SW ¼  | 14.5  | Daryle Zierke          |
|          |    | NW ¼ SW ¼  | 19.5  | Daryle Zierke          |
|          | 4  | SW ¼ NW ¼<br>SE ¼ NW ¼                           | 79    | Peter Bourdet          |

|  |   |  |       |  |
|--|---|--|-------|--|
|  |   | NE ¼ SW ¼<br>SE ¼ SW ¼   |       |  |
|  |   | NW ¼ SE ¼<br>SW ¼ SE ¼   | 57    | Peter Bourdet                                      |
|  |   | SW ¼ SE ¼  | 18    | Peter Bourdet                                      |
|  |   | SE ¼ NE ¼  | 37    | Edward and Cindy Combs                             |
|  |   | NW ¼ NW ¼<br>NE ¼ NW ¼   | 50.66 | Francois Etchevers                                 |
|  |   | SW ¼ NW ¼<br>SE ¼ NW ¼   | 22.1  | Francois Etchevers                                 |
|  |   | SW ¼ NW ¼  | 2.5   | Francois Etchevers                                 |
|  |   | NW ¼ SW ¼<br>SW ¼ SW ¼   | 12    | Curt and Cindy Greene                              |
|  |   | NW ¼ NE ¼  | 35    | Loren and Laura Little                             |
|  |   | SW ¼ NW ¼<br>SE ¼ NW ¼   | 12    | Loren and Laura Little                             |
|  |   | SW ¼ NE ¼  | 17.2  | Loren and Laura Little                             |
|  |   | SW ¼ NE ¼  | 16.9  | Loren and Laura Little                             |
|  |   | NE ¼ NE ¼  | 35.9  | Loren and Laura Little                             |
|  |   | NE ¼ NW ¼  | 29.32 | Loren and Laura Little                             |
|  |   | SE ¼ NW ¼  | 11.83 | Loren and Laura Little                             |
|  |   | NW ¼ SW ¼<br>NE ¼ SW ¼<br>SW ¼ SW ¼<br>SE ¼ SW ¼   | 27.54 | Maria Turner                                       |
|  |   | SE ¼ SE ¼  | 39.7  | Daryle Zierke                                      |
|  | 5 | NW ¼ NE ¼<br>NE ¼ NE ¼   | 70    | Francois Etchevers                                 |
|  |   | SW ¼ NE ¼<br>SE ¼ NE ¼   | 61.95 | Paul Little  |
|  |   | NW ¼ NW ¼<br>NW ¼ NW ¼<br>SE ¼ NW ¼<br>NE ¼ SW ¼<br>SW ¼ SE ¼<br>SE ¼ SE ¼<br>SW ¼ NW ¼<br>SE ¼ SW ¼ | 200.5 | Melinda Cavuin and Loren Walch (Certificate 65196) |

|  |   |   |       |  |
|--|---|---|-------|--|
|  |   | SE ¼  | 0.25  | The Nature Conservancy                             |
|  | 8 | NE ¼ NE ¼   | 20    | Melinda Cauvin and Loren Walch                     |
|  |   | NE ¼ NE ¼<br>NW ¼ NE ¼  | 50.9  | Melinda Cauvin and Loren Walch (Certificate 67518) |
|  |   | SW ¼ NE ¼<br>NE ¼ SE ¼<br>NW ¼ SE ¼<br>SE ¼ SE ¼              | 10.5  | The Nature Conservancy                             |
|  |   | SW ¼ NE ¼<br>SE ¼ NE ¼<br>NE ¼ SE ¼<br>NW ¼ SE ¼<br>SE ¼ SE ¼ | 141.8 | The Nature Conservancy (Certificate #67518)        |
|  | 9 | NE ¼ NE ¼<br>SE ¼ NE ¼  | 40    | Peter Bourdet                                      |
|  |   | NE ¼ NW ¼<br>NW ¼ NE ¼  | 61.22 | Peter Bourdet                                      |
|  |   | SW ¼ NE ¼<br>SE ¼ NE ¼<br>NW ¼ SE ¼<br>NE ¼ SE ¼              | 111.9 | Peter Bourdet                                      |
|  |   | SE ¼ SE ¼<br>SW ¼ SE ¼  | 42.42 | Peter Bourdet                                      |
|  |   | NE ¼ SW ¼<br>SE ¼ SW ¼<br>NW ¼ SE ¼<br>SW ¼ SE ¼              | 90.65 | Gienger Investments                                |
|  |   | SW ¼ SE ¼   | 4     | Roy Gienger  |
|  |   | NW ¼ SE ¼   | 1.98  | Roy Gienger  |
|  |   | NW ¼ SE ¼   | 7.1   | Peter Bourdet                                      |
|  |   | SE ¼ NW ¼   | 9.1   | Peter Bourdet                                      |
|  |   | SW ¼ SE ¼   | 5     | Charles and Karen Harreld                          |
|  |   | NE ¼ NE ¼   | 16.47 | Daryle Zierke                                      |
|  |   | NW ¼ NW ¼   | 3.5   | Robert Oates                                       |
|  |   | NE ¼ NW ¼   | 8.25  | Daryle. Zierke                                     |
|  |   | NW ¼ NW ¼<br>SW ¼ NW ¼)<br>SE ¼ NW ¼                          | 39.2  | Melinda Cauvin and Loren Walch                     |
|  |   | NW ¼ NW ¼<br>SW ¼ SW ¼<br>SE ¼ NW ¼                           | 56.7  | Melinda Cauvin and Loren Walch (Certificate        |

|  |    |  |        |   |
|--|----|--|--------|---|
|  |    |  |        | #67518)                                       |
|  |    | SW ¼ SW ¼<br>NW ¼ SW ¼   | 80     | The Nature Conservancy                        |
|  | 10 | NW ¼ NW ¼<br>SW ¼ NW ¼<br>SW ¼ SW ¼<br>SE ¼ NW ¼<br>NE ¼ SW ¼<br>SE ¼ SW ¼   | 131.17 | Peter Bourdet                                 |
|  |    | SE ¼ SW ¼  | 7.15   | Peter Bourdet                                 |
|  |    | NW ¼ NW ¼  | 16.5   | Daryle Zieke                                  |
|  | 15 | NW ¼ NW ¼<br>NE ¼ NW ¼<br>SW ¼ NW ¼<br>SE ¼ NW ¼   | 104    | Peter Bourdet                                 |
|  |    | SW ¼ NW ¼  | 11.15  | L.A. and Pauline Gienger                      |
|  | 16 | NW ¼ NE ¼<br>SW ¼ NE ¼<br>SE ¼ NE ¼<br>NW ¼ SW ¼<br>NE ¼ SW ¼<br>SW ¼ SW ¼<br>SE ¼ SW ¼<br>NW ¼ SE ¼<br>NE ¼ SE ¼<br>NE ¼ NW ¼<br>SE ¼ NW ¼<br>NE ¼ NE ¼ | 159.08 | L.A. and Pauline Gienger                      |
|  |    | NW ¼ NW ¼  | 1.3    | The Nature Conservancy                        |
|  |    | NW ¼ NW ¼  | 29.0   | The Nature Conservancy                        |
|  |    | NE ¼ NE ¼  | 28     | Peter Bourdet                                 |
|  | 17 | NE ¼ NE ¼  | 2.1    | The Nature Conservancy                        |
|  |    | NE ¼ NE ¼  | 15.2   | The Nature Conservancy<br>(Certificate 67518) |

CONDITIONS: The water right described in B.i. is subject to the following condition:

A. This water right is limited by the overall volume/duty of 10,478 acre feet per irrigation season. This stipulation does not specify a per acre duty and the Parties request that a per acre duty not be assigned in the future. In the event that a per acre duty is assigned by the Adjudicator or the Klamath County Circuit Court, the Parties agree that water use will not exceed that per acre duty and in any case remain limited to an overall duty within the District of 10,478 acre feet per irrigation season. The Parties shall not file exceptions in the Circuit Court based solely upon the assertion that the Adjudicator does not have the authority to assign a per acre duty for this claim.

ii. STOCKWATER

POINT OF DIVERSION LOCATION / SOURCE

The current point of diversion is the Chiloquin Dam within the NE1/4 SE1/4 of Section 3, Township 35 South, Range 7 East, W.M., with a source from the Sprague River, tributary to the Williamson River. Consistent with and pursuant to OAR 690-003-0085, MPID filed a claim amendment describing additional points of diversion that may be added in the future. MPID's claim amendment described points of diversion from the Williamson River diverted at a point downstream from the existing diversion point on the Sprague River, consistent with OAR 690-030-0085(2)(f), that provides "a downstream source does not constitute a different source, even where the source has a different name at the downstream location, if the source of the original diversion is on the mainstem of or a tributary to the source for the additional or relocated downstream point(s) of diversion."

The following Points of Diversion, with corresponding rates of diversion and sources, are in addition to, and downstream from, the current Point of Diversion identified in Claim 84:

| <b>Point of Diversion Location</b>  | <b>Source</b>                                    |
|---|--|
| Within Gov. Lot 14, in the NE ¼ NW ¼ of Section 3, Township 35 South, Range 7 East, W.M.    | Sprague River, tributary to the Williamson River |
| Within Gov. Lot 15, in the SW ¼ SW ¼ of Section 10, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 20, in the SE ¼ NE 1/3 of Section 16, Township 35 South, Range 7 East, W.M. | Williamson River                                 |
| Within Gov. Lot 10, in the NE ¼ NE ¼ of Section 21, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 20, in the SE ¼ NW ¼ of Section 21, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 16, in the SW ¼ NW ¼ of Section 20, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 21, in the NE ¼ SE ¼ of Section 19, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 24, in the SE ¼ SE ¼ of Section 19, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 34, in the SW ¼ SW ¼ of Section 20, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 34, in the SW ¼ SW ¼ of Section 20, Township 35 South, Range 7 East, W.M.   | Williamson River                                 |
| Within Gov. Lot 9, in the NW ¼ NE ¼ of Section 31, Township 35 South, Range 7 East, W.M.    | Williamson River                                 |

As provided in MPID's claim amendment, use of the Chiloquin Dam point of diversion is allowed only until the Chiloquin Dam is removed.

PRIORITY DATE: October 14, 1864

USE: Livestock use

OVERALL RATE: 1.0 cfs total, from any one or any combination of the listed point(s) of diversion, and measured at the point(s) of diversion. Under no circumstances will the overall diversion under this right exceed 1.0 cfs total.

PERIOD OF USE: November 1-April 15

PLACE OF USE: See Description and Map at Exhibits G and H.

iii. Except for the portions of the claim included pursuant to this stipulation, MPID, Claim 84 Contestants, and OWRD agree to MPID's withdrawal of the remainder of Claim 84.

2. MPID, individual signatory Claimants, Claim 84 Contestants and OWRD agree that pursuant to the terms of this Stipulation, all Contests to Claim 84 (*see* Contest Numbers listed in Paragraph A.6 above) are satisfactorily resolved, and such resolution ends the need for a hearing before the Administrative Law Judge on Claim 84.

3. Based on the Stipulation of the Parties that Claim 84 and the Contests thereto can be resolved without the need for further proceedings, OWRD adjudication staff hereby recommends to the Adjudicator that Claim 84 can be withdrawn from the Office of Administrative Hearings. OWRD adjudication staff further recommends that Claim 84 be approved in the Findings of Fact and Order of Determination issued by the Adjudicator in accordance with the terms of paragraph B.1, above.

4. If the Findings of Fact and Order of Determination issued by the Adjudicator for Claim 84 does not conform to the terms set forth in paragraph B.1, above,

MPID, individual signatory Claimants, and Claim 84 Contestants reserve any rights each may have to file exceptions to the Findings of Fact and Order of Determination in the Klamath County Circuit Court, and reserve any rights they may have to participate in any future proceedings authorized by law concerning Claim 84, the individual claims of the signatory Claimants, and Consolidated Case 209.

5. MPID, the individual signatory Claimants and Claim 84 Contestants agree not to oppose or object to this Stipulation or any of its terms, provisions, conditions, or covenants and to support this Stipulation if it is challenged in the administrative or judicial phases of the Adjudication or any appeals thereof. In particular, MPID agrees to defend and support this Stipulation in any future proceeding in which an MPID patron or landowner within MPID's boundaries may assert claims for water to acres described in this stipulation or for additional acres that are not described.

6. This Stipulation is entered into for the purpose of resolving Claim 84. The signatories to this Stipulation agree that the Stipulation shall not be offered as evidence or treated as an admission regarding any matter herein and may not be used in proceedings on any other claim or contest whatsoever, except that the Stipulation may be used in any future proceeding to interpret and/or enforce the terms of the Stipulation. Further, the signatories to this Stipulation agree that neither the Stipulation nor any of its terms shall be used to establish precedent with respect to any other claim or contest in the Klamath Basin Water Rights Adjudication or in any other proceeding.

7. This Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors,

principals, agents, employees, assigns, representatives and all persons, firms, associations, and/or corporations connected with them.

8. Each Party to this Stipulation represents, warrants, and agrees that the person who executed this Stipulation on its behalf has the full right and authority to enter into this Stipulation on behalf of that party and bind that party to the terms of the Stipulation.

9. The terms, provisions, conditions, and covenants of this Stipulation are not severable, except, if any term, provision, condition, or covenant of this Stipulation is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, provisions, conditions, and covenants shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

10. This Stipulation may be executed in several counterparts and all documents so executed shall constitute one Stipulation, binding on the Parties, notwithstanding that the Parties did not sign the same original or the same counterparts. Delivery of an executed signature page to this Stipulation by facsimile transmission shall be as effective as delivery of an original signed counterpart of this Stipulation.

11. The Parties agree and acknowledge that this Stipulation has been drafted and reviewed through joint efforts of their respective legal counsel after full and arms-length negotiations; therefore, the usual rule of contractual construction that all ambiguities shall be construed against the drafting party shall not apply to the interpretation of this Stipulation.

12. This Stipulation shall be effective as of the date of the last signature hereto.

For Claimant Modoc Point Irrigation District:

DATED: November 8, 2007 Brian E. Allen

Brian Allen, Vice-Chair

Peter Bourdet

Peter Bourdet, Board Member

Roy Geinger

Roy Geinger, Chair

John W. Richardson

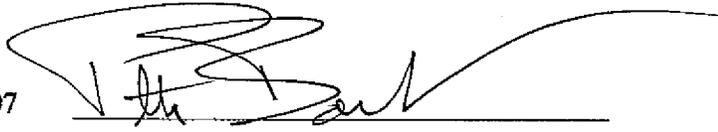
John Richardson, Board Member

Daryle P. Zierke

Daryle Zierke, Board Member

For withdrawal of Claim 243, Claimant Peter Bourdet:

DATED: November 8, 2007

A handwritten signature in black ink, appearing to be 'Peter Bourdet', written over a horizontal line. The signature is stylized and somewhat cursive.

Peter Bourdet

For withdrawal of Claim 250, Claimant Brian Allen:

DATED: November 9, 2007

Brian E. Allen

Brian Allen

For withdrawal of Claim 253, Claimants Edward and Cindy Coombs

DATED: October 31, 2007

Edward L Coombs

Edward Coombs

Cindy S Coombs

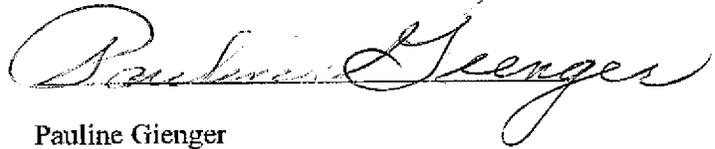
Cindy Coombs

For withdrawal of Claim 682, Claimants L.A. and Pauline Gienger

DATED: October 14, 2007

A handwritten signature in cursive script, appearing to read "L.A. Gienger", written over a horizontal line.

L.A. Gienger

A handwritten signature in cursive script, appearing to read "Pauline Gienger", written over a horizontal line.

Pauline Gienger

For Contestant, United States of America:

DATED: November 8, 2007

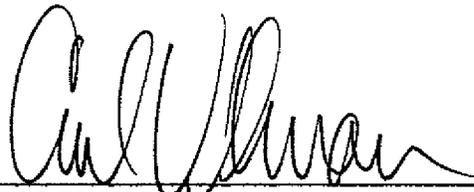


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**ATTORNEYS FOR THE UNITED STATES OF  
AMERICA**

For Contestant, the Klamath Tribes:

DATED: November 8, 2007

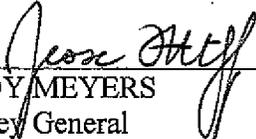


CARL V. ULLMAN  
Water Adjudication Project  
The Klamath Tribes  
P.O. Box 957  
Chiloquin, Oregon 97624  
Telephone: (541) 783-3081  
Telefax: (541) 783-2609  
e-mail: [bullman3@earthlink.net](mailto:bullman3@earthlink.net)

**ATTORNEY FOR THE KLAMATH  
TRIBES**

For the Oregon Water Resources Department:

*November*  
DATED: ~~October~~ 9, 2007

  
\_\_\_\_\_  
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JESSE RATCLIFFE  
Assistant Attorney General  
Oregon Department of Justice  
1162 Court Street NE  
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DATED: October \_\_\_\_, 2007

\_\_\_\_\_  
GERRY CLARK  
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Email: [gerald.e.clark@state.or.us](mailto:gerald.e.clark@state.or.us)

**OREGON WATER RESOURCES  
DEPARTMENT STAFF**

For the Oregon Water Resources Department:

DATED: October \_\_\_\_, 2007

---

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JESSE RATCLIFFE  
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DATED: *Nov. 5*  
~~October~~ \_\_\_\_, 2007



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**OREGON WATER RESOURCES  
DEPARTMENT STAFF**

### Modoc Point Irrigation District Legal Description

Beginning at the intersection of the North-South center line of Sec. 21, Twp. 35 S. R. 7 E.W.M., Klamath County, Oregon, with the Southerly line of Williamson River, and thence Westerly and Southwesterly along Williamson River to its intersection with the southerly line of N  $\frac{1}{2}$  N  $\frac{1}{2}$  of Sec. 31, said township and range; thence Easterly along said Southerly line of N  $\frac{1}{2}$  N  $\frac{1}{2}$  of Sec. 31 to the NW corner of S  $\frac{1}{2}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said section; thence Southerly along the 40 lines to the SW corner of SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said Sec. 31; thence Easterly to intersection of East line of the Tulana drain; thence southeasterly along said drain line to South line of NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 5, Twp. 36 S. R. 7 E.W.M., thence Easterly along said South line to NW corner of SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Sec. 5; thence South along the 40 lines to SW corner of N  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 8, said township and range; thence East to West line of NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Sec. 8, said township and range; thence South to SW corner of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence East to Southeast corner of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence South one-half mile to SW corner of NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said section; thence East to Southeast corner of said NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ; thence South to shore line of Upper Klamath Lake; thence following the shore line of said Lake Southeasterly and Easterly to its intersection with the South line of Sec. 15, said township and range; thence East to Southeast corner of W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said Sec. 15; thence North to NE corner of W  $\frac{1}{2}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 15; thence West to SE corner of SW  $\frac{1}{4}$  of Sec. 10; thence North along the North-South center line of said Sec. 10 to NE corner of NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said section; thence West along the section line to SW corner of Sec. 3; thence North along the section lines to NE corner of NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 28; Twp. 37 S., R. 7 E.W.M.; thence West to center of said Sec. 28; thence North along the center section lines to point of beginning, all in Klamath County.

Also, beginning at the intersection of the East line of Williamson River with the South line of Sec. 16, Twp. 35 S. R. 7 E.W.M., Klamath County, Oregon, and running East to SE corner of W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 15, said township and range; thence North and parallel with the West lines of Secs. 15, 10 and 3 to Northeast corner of W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 3; thence West to West line of Sec. 3; thence North to NW corner of SW  $\frac{1}{4}$  of said section; thence East to NE corner of NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 3; thence South of SW corner of N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said section; thence East to the North-South center line of said section; thence East to Sprague River; thence following the South line of Sprague River and Southerly and Easterly lines of Williamson River to the South line of Sec. 16, the point of beginning, all in Klamath County, Oregon.

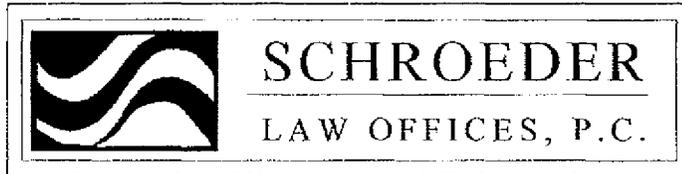
EXCEPTING portions of the lands which were not included as irrigable in Volume 2 of Modoc Point Designation Report, Modoc Point Unit, Klamath Indian Reservation, Oregon, dated July, 1957, as modified by Portland Area Office letter to Commission of Indian Affairs dated September 8, 1958, both of which documents are on file in the Washington, D.C. office, of the Bureau of Indian Affairs.

And excepting rights of way of Railroad and Highway.

Laura A. Schroeder  
Licensed in Oregon, Idaho,  
Nevada and Washington

V. Scott Borison, Ph.D.  
Certified Legal Manager

Daryl N. Cole  
Office Manager



Lynn L. Steyaert  
Licensed in Oregon and Nevada

Cortney D. Duke  
Licensed in Oregon

Colm Moore  
Licensed in Oregon and Nevada

Therese A. Ure  
Licensed in Nevada

Wyatt E. Rolfe  
Licensed in Oregon

April 19, 2007

**VIA U.S. MAIL**

Pete Bourdet  
PO Box 803  
Chiloquin, OR 97624

**RE: Case 209: Claim 243 and MPID's Claim 84**

Dear Mr. Bourdet:

You own land within Modoc Point Irrigation District ("MPID" or "District") for which a claim for federal reserved water rights was made (Claim 243). Your claim, the District's claim (Claim 84) and various other claims have been consolidated into a single case (Case 209) in the Klamath Basin Adjudication.

As you are likely aware, over the past several months, the United States, Klamath Tribes, and the MPID Board of Directors have entered settlement negotiations to resolve the contest in Claim 84. Because Claim 84 overlaps the lands in Claim 243, the lands under your individual claim are assessed by the District. Since your claim relies upon the District's diversion and delivery facilities, the District's settlement includes your lands. The District has negotiated the following agreement with the Klamath Tribe and U.S. as to your lands:

Under the settlement of Claim 84 you will receive an allocation in the neighborhood of 2.89 to 2.98<sup>1</sup> acre feet per acre (afa) delivery on 53.5 acres. This allocation is consistent with the assessment records and the claim made in Claim 84 for these same lands. This allocation may or may not be the same allocation you would receive if you attempt to settle Claim 243 independently of the District's settlement. A contract and/or rules and regulations of the District will describe these delivery delineations.

At this time the District formally extends an offer to you to accept the settlement the District had negotiated with the U.S. and Klamath Tribes of Claim 84, which includes your land. If you would like to accept this offer, you must withdraw your individual claim in favor of receiving water delivery to your lands under the District's Claim 84. If you wish to accept the

<sup>1</sup> The rate allocation will be finally determined by the continued negotiations. The rate allocation will be the same for all the assessed acres in the District, other than those acres currently owned by Indian allottees or under a state water right without reservation language.

phone 503-281-4100

fax 503-281-4600

1915 NE 39<sup>th</sup> Avenue, P.O. Box 12527, Portland, Oregon 97212-0527

[www.water-law.com](http://www.water-law.com)

070691204; 0329 00 CUD 1

Case No. 209, Claim No. 84  
Stipulation, Exhibit B

KBA\_ACFOD\_06836

Pete Bourdet  
April 19, 2007  
Page 2 of 3

District's offer, you will not be entitled to a duplicative individual water right on Claim 243. Rather, your lands would be included in the water right certificate issued to the District.

Of course, you have the option to refuse the District's negotiated settlement and negotiate on your own behalf for resolution of Claim 243. You will need to approach the U.S. and Klamath Tribes on your own. You will also need your settlement reviewed and approved by OWRD. As we previously noted, your claim (Claim 243) relies on the District's diversion and delivery facilities. Thus, if you choose to reject the District's settlement and pursue your own settlement you must obtain access to the District's facilities via a special contract with the District for that purpose. In the alternative, you could construct your own diversion and delivery facilities, if allowed by OWRD. We believe that because you named the District's facilities in your claim that you will need a water delivery contract with MPID to "prove" an individual right as claimed.

We also note that we believe your claim identifies the Chiloquin Dam as the claimed point of diversion. You may recall in August 2006, by letter, this office informed you that removal of the Chiloquin Dam would require MPID and other water users using and/or claiming the Dam as its point of diversions to amend their claim and claimed point of diversion under OAR 690-030-0085. That rule, developed by the Attorney General's Office, the Solicitor General Offices and attorneys for the District and Klamath Tribes, allowed amendment until December 31, 2006. MPID, as claimant for Claim 84, made an amendment of Claim 84 and OWRD has confirmed the amendment was timely and met the requirements of the rule.

Recently, OWRD confirmed that you did not amend Claim 243 pursuant to OAR 690-030-0085. OWRD has suggested that if the Dam is removed, claimants who seek settlement without the necessary amendment are taking a significant risk that the Adjudicator will not be able to approve their claims because the claims will describe an unauthorized POD. We encourage that you discuss this potential risk with an attorney.

Please note that each individual claimant whose lands overlap a portion of Claim 84 were provided a similar offer. This offer is necessary as MPID's Claim 84, and your individual Claim 243 called upon water delivery from District facilities for some, if not all, of the same acres.

At least one, individual claimant within the District (Stephen and Melissa Hess, Claim 248), has opted to proceed on their individual claim. In response, the District has agreed to offer an individual water delivery contract to Mr. and Mrs. Hess. We wanted you to be aware that individual delivery contracts will be offered by MPID to support individual claims for those individuals who wish to proceed in that fashion. If you decide to proceed with Claim 243, we will provide you a draft contract forthwith for your review. We encourage you to contact an attorney regarding this offer.

While we understand that it may take some time to consider your options and consult with counsel regarding this matter, time is of the essence in proceeding with the District's settlement of its claim. The District would appreciate a response by fax to 503-218-4600 by

Pete Bourdet  
April 19, 2007  
Page 3 of 3

**April 26, 2007** as how you wish to proceed. You may simply mark and fax a copy of this letter to indicate your preference.

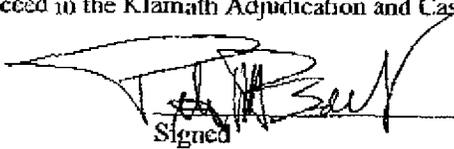
Very truly yours,  
SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder  
Courtney D. Duke  
Colm Moore

Incorporate the acres claimed under my individual claim, Claim 243, into the District's Claim 84.

Do not incorporate the acres claimed under my individual claim, Claim 243 into the District's Claim 84. I request a water delivery contract from the District for the acres described in my individual claim and will proceed in the Klamath Adjudication and Case 209 accordingly.



Signed

4/24/07  
Date

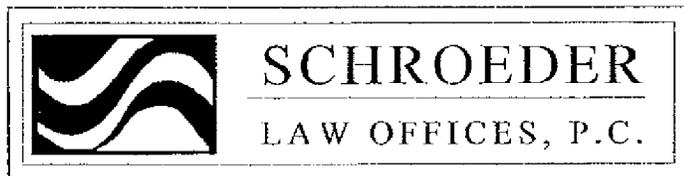
CDD:bac

cc: Linda Long, MPID Agency Representative

Laura A. Schroeder  
Licensed in Oregon, Idaho,  
Nevada and Washington

V. Scott Borison, Ph.D.  
Certified Legal Manager

Daryl N. Cole  
Office Manager



Lynn L. Steyaert  
Licensed in Oregon and Nevada

Cortney D. Duke  
Licensed in Oregon

Colm Moore  
Licensed in Oregon and Nevada

Therese A. Ure  
Licensed in Nevada

Wyatt E. Rolfe  
Licensed in Oregon

April 19, 2007

**VIA U.S. MAIL**

Sharon & Barney Allen  
37291 Agency Lake Loop Road  
Chiloquin, OR 97624

**RE: Case 209: Claim 250 and MPID's Claim 84**

Dear Mr. and Mrs. Allen:

You own land within Modoc Point Irrigation District ("MPID" or "District") for which a claim for federal reserved water rights was made (Claim 250). Your claim, the District's claim (Claim 84) and various other claims have been consolidated into a single case (Case 209) in the Klamath Basin Adjudication.

As you are likely aware, over the past several months, the United States, Klamath Tribes, and the MPID Board of Directors have entered settlement negotiations to resolve the contest in Claim 84. Because Claim 84 overlaps the lands in Claim 250, the lands under your individual claim are assessed by the District. Since your claim relies upon the District's diversion and delivery facilities, the District's settlement includes your lands. The District has negotiated the following agreement with the Klamath Tribe and U.S. as to you lands:

Under the settlement of Claim 84 you will receive an allocation in the neighborhood of 2.89 to 2.98<sup>1</sup> acre feet per acre (afa) delivery on 56.22 acres. This allocation is consistent with the assessment records and the claim made in Claim 84 for these same lands. This allocation may or may not be the same allocation you would receive if you attempt to settle Claim 250 independently of the District's settlement. A contract and/or rules and regulations of the District will describe these delivery delineations.

At this time the District formally extends an offer to you to accept the settlement the District had negotiated with the U.S. and Klamath Tribes of Claim 84, which includes your land. If you would like to accept this offer, you must withdraw your individual claim in favor of receiving water delivery to your lands under the District's Claim 84. If you wish to accept the

<sup>1</sup> The rate allocation will be finally determined by the continued negotiations. The rate allocation will be the same for all the assessed acres in the District, other than those acres currently owned by Indian allottees or under a state water right without reservation language.

phone 503-281-4100

fax 503-281-4600

1915 NE 39<sup>th</sup> Avenue, P.O. Box 12527, Portland, Oregon 97212-0527

www.water-law.com

(P0084703; 0329 00 CDD)

Case No. 209, Claim No. 84  
Stipulation, Exhibit C

KBA\_ACFOD\_06839

Sharon & Barney Allen  
April 19, 2007  
Page 2 of 3

District's offer, you will not be entitled to a duplicative individual water right on Claim 250. Rather, your lands would be included in the water right certificate issued to the District.

Of course, you have the option to refuse the District's negotiated settlement and negotiate on your own behalf for resolution of Claim 250. You will need to approach the U.S. and Klamath Tribes on your own. You will also need your settlement reviewed and approved by OWRD. As we previously noted, your claim (Claim 250) relies on the District's diversion and delivery facilities. Thus if you choose to reject the District's settlement and pursue your own settlement you must obtain access to the District's facilities via a special contract with the District for that purpose. In the alternative, you could construct your own diversion and delivery facilities, if allowed by OWRD. We believe that because you named the District's facilities in your claim that you will need a water delivery contract with MPID to "prove" an individual right as claimed.

We also note that we believe your claim identifies the Chiloquin Dam as the claimed point of diversion. You may recall in August 2006, by letter, this office informed you that removal of the Chiloquin Dam would require MPID and other water users using and/or claiming the Dam as its point of diversions to amend their claim and claimed point of diversion under OAR 690-030-0085. That rule, developed by the Attorney General's Office, the Solicitor General Offices and attorneys for the District and Klamath Tribes, allowed amendment until December 31, 2006. MPID, as claimant for Claim 84, made an amendment of Claim 84 and OWRD has confirmed the amendment was timely and met the requirements of the rule.

Recently, OWRD confirmed that you did not amend Claim 250 pursuant to OAR 690-030-0085. OWRD has suggested that if the Dam is removed, claimants who seek settlement without the necessary amendment are taking a significant risk that the Adjudicator will not be able to approve their claims because the claims will describe an unauthorized POD. We encourage that you discuss this potential risk with an attorney.

Please note that each individual claimant whose lands overlap a portion of Claim 84 were provided a similar offer. This offer is necessary as MPID's Claim 84, and your individual Claim 250 called upon water delivery from District facilities for some, if not all, of the same acres.

At least one, individual claimant within the District (Stephen and Melissa Hess, Claim 248), has opted to proceed on their individual claim. In response, the District has agreed to offer an individual water delivery contract to Mr. and Mrs. Hess. We wanted you to be aware that individual delivery contracts will be offered by MPID to support individual claims for those individuals who wish to proceed in that fashion. If you decide to proceed with Claim 250, we will provide you a draft contract forthwith for your review. We encourage you to contact an attorney regarding this offer.

While we understand that it may take some time to consider your options and consult with counsel regarding this matter, time is of the essence in proceeding with the District's settlement of its claim. The District would appreciate a response by fax to 503-218-4600 by

Sharon & Barney Allen  
April 19, 2007  
Page 3 of 3

**April 26, 2007** as how you wish to proceed. You may simply mark and fax a copy of this letter to indicate you preference.

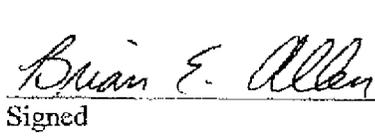
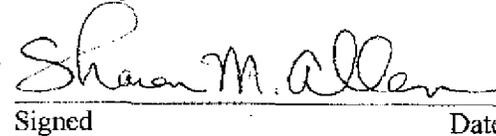
Very truly yours,  
SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder  
Cortney D. Duke  
Colm Moore

Incorporate the acres claimed under my individual claim, Claim 250, into the District's Claim 84.

Do not incorporate the acres claimed under my individual claim, Claim 250 into the District's Claim 84. I request a water delivery contract from the District for the acres described in my individual claim and will proceed in the Klamath Adjudication and Case 209 accordingly.

|   |         |  |      |
|---|---------|--|------|
|  | 4-23-07 |  |      |
| Signed  | Date    | Signed   | Date |

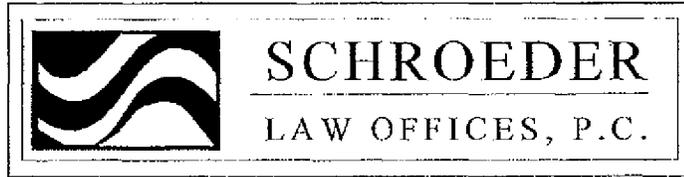
CDD:bac

cc: Linda Long, MPID Agency Representative

Laura A. Schroeder  
Licensed in Oregon, Idaho,  
Nevada and Washington

V. Scott Borison, Ph.D.  
Certified Legal Manager

Daryl N. Cole  
Office Manager



Lynn I. Steyaert  
Licensed in Oregon and Nevada

Cortney D. Duke  
Licensed in Oregon

Colm Moore  
Licensed in Oregon and Nevada

Therese A. Ure  
Licensed in Nevada

Wyatt E. Rolfe  
Licensed in Oregon

April 19, 2007

**VIA U.S. MAIL**

Edward & Cindy Combs  
27245 Modoc Point Road  
Chiloquin, OR 97624

**RE: Case 209: Claim 253 and MPID's Claim 84**

Dear Mr. and Mrs. Combs:

You own land within Modoc Point Irrigation District ("MPID" or "District") for which a claim for federal reserved water rights was made (Claim 253). Your claim, the District's claim (Claim 84) and various other claims have been consolidated into a single case (Case 209) in the Klamath Basin Adjudication.

As you are likely aware, over the past several months, the United States, Klamath Tribes, and the MPID Board of Directors have entered settlement negotiations to resolve the contests in Claim 84. Because Claim 84 overlaps the lands in Claim 253, the lands under your individual claim are assessed by the District. Since your claim relies upon the District's diversion and delivery facilities, the District's settlement includes your lands. The District has negotiated the following agreement with the Klamath Tribe and U.S. as to you lands:

Under the settlement of Claim 84 you will receive an allocation in the neighborhood of 2.89 to 2.98<sup>1</sup> acre feet per acre (afa) delivery on 46.2 acres. This allocation is consistent with the assessment records and the claim made in Claim 84 for these same lands. This allocation may or may not be the same allocation you would receive if you attempt to settle Claim 253 independently of the District's settlement. A contract and/or rules and regulations of the District will describe these delivery delineations.

At this time the District formally extends an offer to you to accept the settlement the District had negotiated with the U.S. and Klamath Tribes of Claim 84, which includes your land. If you would like to accept this offer, you must withdraw your individual claim in favor of receiving water delivery to your lands under the District's Claim 84. If you wish to accept the

<sup>1</sup> The rate allocation will be finally determined by the continued negotiations. The rate allocation will be the same for all the assessed acres in the District, other than those acres currently owned by Indian allottees or under a state water right without reservation language.

phone 503-281-4100

fax 503-281-4600

1915 NE 39<sup>th</sup> Avenue, P.O. Box 12527, Portland, Oregon 97212-0527

www.water-law.com

(70051706, 0229 00 CD17)

Case No. 209, Claim No. 84  
Stipulation, Exhibit D

KBA\_ACFOD\_06842

Edward & Cindy Combs  
April 19, 2007  
Page 2 of 3

District's offer, you will not be entitled to a duplicative individual water right on Claim 253. Rather, your lands would be included in the water right certificate issued to the District.

Of course, you have the option to refuse the District's negotiated settlement and negotiate on your own behalf for resolution of Claim 253. You will need to approach the U.S. and Klamath Tribes on your own. You will also need your settlement reviewed and approved by OWRD. As we previously noted, your claim (Claim 253) relies on the District's diversion and delivery facilities. Thus, if you choose to reject the District's settlement and pursue your own settlement you must obtain access to the District's facilities via a special contract with the District for that purpose. In the alternative, you could construct your own diversion and delivery facilities, if allowed by OWRD. We believe that because you named the District's facilities in your claim that you will need a water delivery contract with MPID to "prove" an individual right as claimed.

We also note that we believe your claim identifies the Chiloquin Dam as the claimed point of diversion. You may recall in August 2006, by letter, this office informed you that removal of the Chiloquin Dam would require MPID and other water users using and/or claiming the Dam as its point of diversion to amend their claim and claimed point of diversion under OAR 690-030-0085. That rule, developed by the Attorney General's Office, the Solicitor General Offices and attorneys for the District and Klamath Tribes, allowed amendment until December 31, 2006. MPID, as claimant for Claim 84, made an amendment of Claim 84 and OWRD has confirmed the amendment was timely and met the requirements of the rule.

Recently, OWRD confirmed that you did not amend Claim 253 pursuant to OAR 690-030-0085. OWRD has suggested that if the Dam is removed, claimants who seek settlement without the necessary amendment are taking a significant risk that the Adjudicator will not be able to approve their claims because the claims will describe an unauthorized POD. We encourage that you discuss this potential risk with an attorney.

Please note that each individual claimant whose lands overlap a portion of Claim 84 were provided the same background information and a similar offer. This offer is necessary as MPID's Claim 84, and your individual Claim 253 called upon water delivery from District facilities for some, if not all, of the same acres.

At least one, individual claimant within the District (Stephen and Melissa Hess, Claim 248), has opted to proceed on their individual claim. In response, the District has agreed to offer an individual water delivery contract to Mr. and Mrs. Hess. We wanted you to be aware that individual delivery contracts will be offered by MPID to support individual claims for those individuals who wish to proceed in that fashion. If you decide to proceed with Claim 253, we will provide you a draft contract forthwith for your review. We encourage you to contact an attorney regarding this offer.

While we understand that it may take some time to consider your options and consult with counsel regarding this matter, time is of the essence in proceeding with the District's settlement of its claim. The District would appreciate a response by fax to 503-218-4600 by

Edward & Cindy Combs  
April 19, 2007  
Page 3 of 3

**April 26, 2007** as how you wish to proceed. You may simply mark and fax a copy of this letter to indicate you preference.

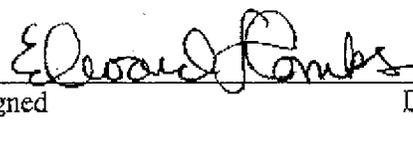
Very truly yours,  
SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder  
Courtney D. Duke  
Colm Moore

Incorporate the acres claimed under my individual claim, Claim 253, into the District's Claim 84.

Do not incorporate the acres claimed under my individual claim, Claim 253 into the District's Claim 84. I request a water delivery contract from the District for the acres described in my individual claim and will proceed in the Klamath Adjudication and Case 209 accordingly.

|   |                |  |                |
|---|----------------|--|----------------|
|  | <u>4-25-07</u> |  | <u>4-22-07</u> |
| Signed  | Date           | Signed   | Date           |

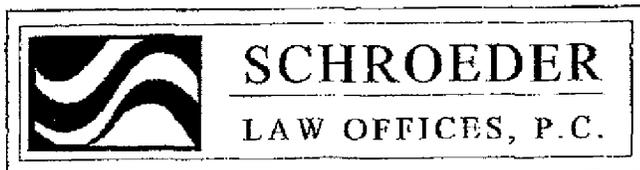
CDD:bac

cc: Linda Long, MPID Agency Representative

Laura A. Schroeder  
Licensed in Oregon, Idaho,  
Nevada and Washington

V. Scott Borison, Ph.D.  
Certified Legal Manager

Daryl N. Cole  
Office Manager



Lynn L. Steyaert  
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Licensed in Oregon

Colm Moore  
Licensed in Oregon and Nevada

Therese A. Ure  
Licensed in Nevada

Wyatt E. Rolfe  
Licensed in Oregon

April 19, 2007

**VIA U.S. MAIL**

Bud & Pauline Gienger  
PO Box 131  
Quartzsite, AZ 85346

**RE: Case 209: Claim 682 and MPID's Claim 84**

Dear Mr. and Mrs. Gienger:

You own land within Modoc Point Irrigation District ("MPID" or "District") for which a claim for federal reserved water rights was made (Claim 682). Your claim, the District's claim (Claim 84) and various other claims have been consolidated into a single case (Case 209) in the Klamath Basin Adjudication.

As you are likely aware, over the past several months, the United States, Klamath Tribes, and the MPID Board of Directors have entered settlement negotiations to resolve the contest in Claim 84. Because Claim 84 overlaps the lands in Claim 682, the lands under your individual claim are assessed by the District. Since your claim relies upon the District's diversion and delivery facilities, the District's settlement includes your lands. The District has negotiated the following agreement with the Klamath Tribe and U.S. as to you lands:

Under the settlement of Claim 84 you will receive an allocation in the neighborhood of 2.89 to 2.98<sup>1</sup> acre feet per acre (afa) delivery on 25.6 acres. This allocation is consistent with the assessment records and the claim made in Claim 84 for these same lands. This allocation may or may not be the same allocation you would receive if you attempt to settle Claim 682 independently of the District's settlement. A contract and/or rules and regulations of the District will describe these delivery delineations.

At this time the District formally extends an offer to you to accept the settlement the District had negotiated with the U.S. and Klamath Tribes of Claim 84, which includes your land. If you would like to accept this offer, you must withdraw your individual claim in favor of receiving water delivery to your lands under the District's Claim 84. If you wish to accept the

<sup>1</sup> The rate allocation will be finally determined by the continued negotiations. The rate allocation will be the same for all the assessed acres in the District, other than those acres currently owned by Indian allottees or under a state water right without reservation language.

phone 503-281-4100

fax 503-281-4600

1915 NE 39<sup>th</sup> Avenue, P.O. Box 12527, Portland, Oregon 97212-0527

www.water-law.com

(R092705, 0629 00 C10)

Bud & Pauline Gienger  
April 19, 2007  
Page 2 of 3

District's offer, you will not be entitled to a duplicative individual water right. Rather, your lands would be included in the water right certificate issued to the District.

Of course, you have the option to refuse the District's negotiated settlement and negotiate on your own behalf for resolution of Claim 682. You will need to approach the U.S. and Klamath Tribes on your own. You will also need your settlement reviewed and approved by OWRD. As we previously noted, your claim (Claim 682) relies on the District's diversion and delivery facilities. Thus if you choose to reject the District's settlement and pursue your own settlement you must obtain access to the District's facilities via a special contract with the District for that purposes. In the alternative, you could construct your own diversion and delivery facilities, if allowable by OWRD. We believe that because you named the District's facilities in your claim and you will need a water delivery contract with MPID to "prove" an individual right as claimed.

We also note that we believe your claim identifies the Chiloquin Dam as the claimed point of diversion. You may recall in August 2006, by letter, this office informed you that removal of the Chiloquin Dam would require MPID and other water users using and/or claiming the Dam as its point of diversions to amend their claim and claimed point of diversion under OAR 690-030-0085. That rule, developed by the Attorney General's Office, the Solicitor General Offices and attorneys for the District and Klamath Tribes, allowed amendment until December 31, 2006. MPID, as claimant for Claim 84, made an amendment of Claim 84 and OWRD has confirmed the amendment was timely and met the requirements of the rule.

Recently, OWRD confirmed that you did not amend claim 682 pursuant to OAR 690-030-0085. OWRD has suggested that if the Dam is removed, claimants who seek settlement without the necessary amendment are taking a significant risk that the Adjudicator will not be able to approve their claims because the claims will describe an unauthorized POD. We encourage you to discuss this potential risk with an attorney.

Please note that each individual claimant whose lands overlap a portion of Claim 84 were provided a similar offer. This offer is necessary as MPID's Claim 84, and your individual Claim 682 called upon water delivery from District facilities for some, if not all, of the same acres.

At least one, individual claimant within the District (Stephen and Melissa Hess, Claim 248), has opted to proceed on their individual claim. In response, the District has agreed to offer an individual water delivery contract to Mr. and Mrs. Hess. We wanted you to be aware that individual delivery contracts will be offered by MPID to support individual claims for those individuals who wish to proceed in that fashion. If you decide to proceed with Claim 682, we will provide you a draft contract forthwith for your review. We encourage you to contact an attorney regarding this offer.

While we understand that it may take some time to consider your options and consult with counsel regarding this matter, time is of the essence in proceeding with the District's settlement of its claim. The District would appreciate a response by fax to 503-218-4600 by

[P:\04705; 0829 00 CDD]

Bud & Pauline Gienger  
April 19, 2007  
Page 3 of 3

**April 26, 2007** as how you wish to proceed. You may simply mark and fax a copy of this letter to indicate you preference.

Very truly yours,  
SCHROEDER LAW OFFICES, P.C.

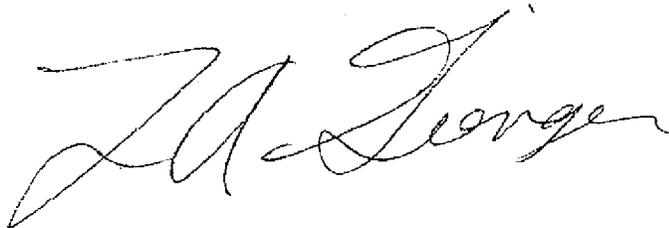
  
Laura A. Schroeder  
Cortney D. Duke  
Colm Moore

*Yes*  
Incorporate the acres claimed under my individual claim, Claim 682, into the District's Claim 84.

Do not incorporate the acres claimed under my individual claim, Claim 682 into the District's Claim 84. I request a water delivery contract from the District for the acres described in my individual claim and will proceed in the Klamath Adjudication and Case 209 accordingly.

CDD:las

cc: Lind Long, MPID Agency Representative



**Measurement Devices & Diversion Records Agreement**  
**Appendix to Stipulation to Resolve Contests to Claim 84, Case 209**

THIS MEASUREMENT DEVICES & DIVERSION RECORDS AGREEMENT ("Agreement") is attached as an Appendix to the Stipulation to Resolve Contests to Claim 84, Case 209 ("Stipulation") and is agreed to by and among the Modoc Point Irrigation District ("MPID"), the United States of America ("US"), the Klamath Tribes ("KT"), and the Oregon Water Resources Department ("OWRD").

A. MPID, US, and KT agree that MPID will install meters or other suitable measuring devices at each POD listed in the Stipulation that is approved as a POD in the Adjudicator's Findings of Fact and Order of Determination. MPID agrees that it will not divert water from any POD in the irrigation season following the date upon which the Adjudicator enters the Findings of Fact and Order of Determination with the Klamath County Circuit Court until such meters or measuring devices are installed. In the event MPID can not complete installation of the meters and/or measuring devices by this time due to a delay in the construction, completion and/or acceptance of the Chiloquin Dam project or for any other good reason shown, MPID shall request in writing that the KT/US agree to a reasonable extension of the time for installation of the meters and/or measuring devices on the points of diversion affected. Agreement to a request for extension shall not be unreasonably withheld. MPID, US, and KT agree that any such extension does not limit OWRD's authority to independently require measuring devices. If MPID requests an extension, MPID, US, and KT agree to coordinate with OWRD, to ensure that the proposed extension does not conflict with an exercise of OWRD's authority.

B. MPID, US, and KT agree that MPID shall maintain the meters and/or measuring devices in good working order.

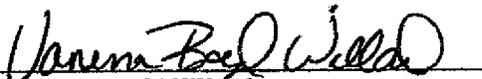
C. MPID, US, and KT agree that following the installation of meters and/or measuring devices as described in Paragraph A above, MPID will maintain records of diversions at each POD consistent with the reporting requirements outlined in ORS 537.099, OAR 690-085-0010 and 690-085-0015. The records must be maintained in a manner which can be utilized to determine: 1) the diversion rate at each POD; and 2) the annual total volume / duty diverted by MPID via all PODs combined. Each year, after November 1, MPID will make these measurement records available for inspection by the US and/or KT at the District office.

D. In the event that MPID fails to install the meters or other suitable measuring devices within the timeframe established in Paragraph A above, OWRD agrees to, within a reasonable time following the end of the timeframe established in Paragraph A above, exercise its authority pursuant to ORS 540.145 and OAR 690-250-0060 to require MPID to install suitable measuring devices.

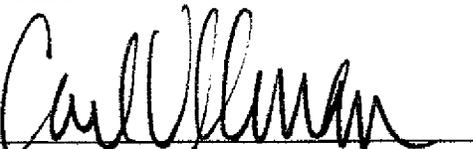
E. This Agreement is not intended to and does not limit the authority that OWRD or the watermaster has or may have to (1) require the installation, use, or

maintenance of metering or measuring devices, or to access meters and/or measuring devices, under other provisions of law, or (2) require the creation, maintenance, inspection or reporting of records under other provisions of law.

F. This Agreement shall be effective as of the effective date of the Stipulation.

  
Vanessa Boyd Willard  
David W. Harder  
Trial Attorneys  
Indian Resources Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
1961 Stout Street  
Denver, Colorado 80294  
Telephone: 303.844.1353  
Telefax: 303.844.1350  
Email: [vanessa.willard@usdoj.gov](mailto:vanessa.willard@usdoj.gov)

**ATTORNEYS FOR THE UNITED STATES OF AMERICA**

  
Carl V. Ullman  
Water Adjudication Project  
The Klamath Tribes  
P.O. Box 957  
Chiloquin, Oregon 97624  
Telephone: (541) 783-3081  
Telefax: (541) 783-2609  
e-mail: [bullman3@earthlink.net](mailto:bullman3@earthlink.net)

**ATTORNEY FOR THE KLAMATH TRIBES**

---

**OREGON WATER RESOURCES  
DEPARTMENT**

*Roy J. Dierker 11-8-07*  
\_\_\_\_\_  
President  
Board of Directors

**MODOC POINT IRRIGATION DISTRICT**

Case No. 209, Claim No. 84  
Stipulation, Exhibit F





| POU |     |       |     | POD #1 |    |         |                          |
|-----|-----|-------|-----|--------|----|---------|--------------------------|
| POD | TWP | Range | Sec | ¼¼     | GL | # Acres | Type Use                 |
| 1   | 35S | 7E    | 3   | NWNW   | 13 | 2.2     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 3   | SENE   | 14 | 3.3     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 3   | SWNE   | 15 | 4.5     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 3   | NWSE   | 20 | 4.6     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 4   | NENE   | 9  | 2.0     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 9   | SESE   | 33 | 2.5     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 10  | SWSW   | 15 | 3.3     | Irrigation & Stock Water |
|     |     |       |     | SWSW   |    | 6.4     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 15  | NWNW   |    | 2.7     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 16  | NENE   | 1  | 4.9     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 16  | NENE   | 10 | 2.0     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 16  | SENE   | 20 | 6.3     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 16  | NESE   | 21 | 5.4     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | NESE   | 22 | 13.3    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | NESE   | 30 | 19.1    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESE   | 31 | 19.5    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SWSE   | 32 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESW   | 33 | 6.6     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESW   | 36 | 7.9     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SWSE   | 37 | 19.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESE   | 38 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NENE   | 10 | 5.7     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NWNE   | 11 | 0.4     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SENE   | 12 | 3.9     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWNE   | 13 | 5.5     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWNE   | 22 | 6.0     | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0122

01/18/06 Case 209, Claim 84, Amendment

**RECEIVED**

DEC 15 2006

|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 21 | SENE | 23 | 0.4  | Irrigation & Stock Water |
| 1 | 35S | 7E | 21 | NWSW | 27 | 7.0  | Irrigation & Stock Water |
| 1 | 35S | 7E | 21 | NWSW | 28 | 10.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 21 | SWSW | 35 | 14.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 21 | SWSW | 36 | 18.5 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 28 | NENW | 3  | 10.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWNW | 4  | 15.9 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWNW | 5  | 19.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWNW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SENW | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWNW | 13 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SENW | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWSE | 18 | 17.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NESW | 22 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWSE | 23 | 19.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NESE | 24 | 0.1  | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESE | 25 | 1.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSE | 26 | 17.9 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESW | 27 | 19.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSW | 28 | 12.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSW | 29 | 18.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESW | 30 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESE | 32 | 3.2  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 29 | NENE | 1  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNE | 2  | 14.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENW | 3  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNW | 4  | 15.3 | Irrigation & Stock Water |

0123

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

DWRD Case 209, Claim 84, Assentment

**RECEIVED****DEC 15 2006****WATER RESOURCES DEPT**  
SALES SECTION

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 29 | NWNW | 5  | 19.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNE | 7  | 10.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENE | 8  | 17.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 9  | 19.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENW | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNW | 12 | 16.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNW | 13 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENW | 14 | 17.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSW | 20 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSW | 21 | 14.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESW | 22 | 18.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSE | 23 | 11.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESE | 24 | 19.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESE | 25 | 17.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSE | 26 | 12.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESW | 27 | 17.7 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSW | 28 | 18.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESW | 30 | 17.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSE | 31 | 12.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESE | 32 | 12.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NENE | 10 | 8.8  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SENE | 11 | 17.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWNE | 19 | 0.6  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SENE | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NESE | 21 | 20.0 | Irrigation & Stock Water |

|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 30 | NWSE | 22 | 5.1  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NWSE | 29 | 10.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NESE | 30 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWSE | 32 | 16.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESW | 38 | 0.2  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWSE | 39 | 18.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESE | 40 | 18.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NENE | 1  | 14.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NENW | 3  | 2.7  | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NENE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENE | 1  | 15.7 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNE | 2  | 17.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENW | 3  | 14.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNW | 5  | 20.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENW | 6  | 14.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENE | 8  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 9  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNE | 10 | 13.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 11 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNW | 13 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 14 | 19.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNE | 15 | 16.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSE | 18 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESW | 19 | 19.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSW | 20 | 20.0 | Irrigation & Stock Water |

0125

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

01/17/07 Case 209, Claim 84, Amendment

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**WATER RESOURCES DEPT**

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 32 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESW | 22 | 19.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSE | 23 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESE | 25 | 17.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSE | 26 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESW | 27 | 19.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESW | 30 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESE | 32 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENE | 1  | 4.5  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNE | 2  | 11.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENW | 3  | 18.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNW | 5  | 18.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENE | 8  | 5.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SENE | 9  | 4.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 13 | 18.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 16 | 5.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESE | 17 | 8.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSW | 20 | 18.9 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSW | 21 | 20.0 | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0126  
DWRD Case 209, Claim 84, Attachment

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DEC 15 2006  
WATER RESOURCES DEPT

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|   |     |    |    |      |    |         |                          |
|---|-----|----|----|------|----|---------|--------------------------|
| 1 | 35S | 7E | 33 | NESE | 22 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSE | 23 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESE | 24 | 8.0     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 25 | 5.2     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 26 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 27 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 28 | 18.5    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 29 | 13.4    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 30 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 31 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 32 | 6.2     | Irrigation & Stock Water |
|   |     |    |    |      |    | 2,519.7 |                          |
| 1 | 36S | 7E | 3  | NWNW | 4  | 0.4     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | NWNW | 5  | 2.0     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWNW | 12 | 5.5     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWNW | 13 | 7.5     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | NWSW | 20 | 9.0     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | NWSW | 21 | 10.5    | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWSW | 28 | 12.5    | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWSW | 29 | 14.5    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NENE | 1  | 19.1    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NWNE | 2  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NENW | 3  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NWNW | 4  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NWNW | 5  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NENW | 6  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NWNE | 7  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | NENE | 8  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | SENE | 9  | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | SWNE | 10 | 17.5    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | SENE | 11 | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | SWNW | 12 | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 4  | SWNW | 13 | 16.2    | Irrigation &             |

Case No. 209, Claim No. **0127**  
 Stipulation, Exhibit **11** Case 209, Claim #1 Amendment

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|   |     |    |   |      |    |      |                          |
|---|-----|----|---|------|----|------|--------------------------|
|   |     |    |   |      |    |      | Stock Water              |
| 1 | 36S | 7E | 4 | SENW | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SENE | 16 | 17.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSW | 20 | 19.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSW | 21 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NESW | 22 | 16.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSE | 23 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSE | 26 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESW | 27 | 17.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSW | 28 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSW | 29 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESW | 30 | 18.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSE | 31 | 19.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESE | 32 | 19.7 | Irrigation & Stock Water |
|   |     |    |   |      |    |      |                          |
| 1 | 36S | 7E | 5 | NENE | 1  | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENW | 3  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNW | 4  | 19.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNW | 5  | 16.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENE | 8  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 9  | 17.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENW | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNW | 12 | 9.0  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNW | 13 | 5.4  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENW | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 16 | 19.7 | Irrigation &             |

Case No. 209, Claim No. 84 **0128**  
 Stipulation, Exhibit H ORDER Case 209, Claim 84 Amendment

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|   |     |    |   |      |    |      |                          |
|---|-----|----|---|------|----|------|--------------------------|
|   |     |    |   |      |    |      | Stock Water              |
| 1 | 36S | 7E | 5 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESW | 19 | 18.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESW | 22 | 13.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWSE | 23 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWSE | 26 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESW | 27 | 4.3  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESE | 32 | 20.0 | Irrigation & Stock Water |
|   |     |    |   |      |    |      |                          |
| 1 | 36S | 7E | 8 | NENE |    | 40.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NWNE |    | 35.9 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SWNE |    | 32.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SENE |    | 40.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NESE |    | 40.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NWSE |    | 7.1  | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SESE |    | 33.5 | Irrigation & Stock Water |
|   |     |    |   |      |    |      |                          |
| 1 | 36S | 7E | 9 | NENE | 1  | 17.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENW | 3  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNW | 5  | 18.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENW | 6  | 19.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENE | 8  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENE | 9  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENW | 11 | 17.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNW | 13 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENW | 14 | 19.5 | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0129  
0129 Case 209, Claim 84 Amendment

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DEC 15 2006  
WATER RESOURCES DEPT

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 36S | 7E | 9  | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NWSE | 18 | 19.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NBSW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NBSW | 22 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NWSE | 23 | 19.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SWSE | 26 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SESW | 27 | 8.6  | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SESW | 30 | 11.9 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SESE | 32 | 20.0 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 10 | NWNW | 4  | 16.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWNW | 5  | 18.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWNW | 12 | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWNW | 13 | 18.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SENW | 14 | 2.7  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NBSW | 19 | 4.2  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NBSW | 22 | 6.2  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SESW | 27 | 7.3  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SESW | 30 | 9.3  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 15 | NENW | 3  | 11.0 | Irrigation & Stock Water |

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Case No. 209, Claim No. 84 ORRD Case 209, Claim 84 Amendment  
 Stipulation, Exhibit H

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 36S | 7E | 15 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NWNW | 5  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NENW | 6  | 12.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SEW  | 11 | 13.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SWNW | 12 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SWNW | 13 | 16.9 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SEW  | 14 | 11.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NESW | 19 | 2.7  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 16 | NENE | 1  | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENW | 3  | 13.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNW | 4  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNW | 5  | 11.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENW | 6  | 12.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENE | 8  | 19.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SENE | 9  | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SEW  | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNW | 12 | 0.4  | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNW | 13 | 3.7  | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SEW  | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SENE | 16 | 19.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSW | 20 | 7.1  | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSW | 21 | 5.9  | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESW | 22 | 18.6 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSE | 23 | 13.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESE | 24 | 6.7  | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SESW | 27 | 4.0  | Irrigation & Stock Water |

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Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0100 Case 209, Claim 84 Amendment

WATER RESOURCES DEPT

|  |     |    |    |      |    |         |                             |
|--|-----|----|----|------|----|---------|-----------------------------|
| 1  | 36S | 7E | 16 | SWSW | 28 | 0.5     | Irrigation &<br>Stock Water |
| 1  | 36S | 7E | 17 | NENE | 1  | 16.1    | Irrigation &<br>Stock Water |
| 1  | 36S | 7E | 17 | NENE |    | 1.2     | Irrigation &<br>Stock Water |
|  |     |    |    |      |    | 2,659.6 |                             |
| <b>T35</b> 2,519.7<br><b>T36</b> 2,659.6<br><b>TOTAL</b> 5,179.3 |     |    |    |      |    |         |                             |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0132

0132 Case 209, Claim 84 Amendment

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WATER RESOURCES DEPT  
SALEM, OREGON

| POU |     |       |     | POD #2 |    |         |                          |
|-----|-----|-------|-----|--------|----|---------|--------------------------|
| POD | TWP | Range | Sec | 1/4    | GL | # Acres | Type Use                 |
| 2   | 35S | 7E    | 21  | SWNW   | 18 | 3.6     | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | SEnw   | 20 | 10.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | NEsw   | 26 | 15.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | NWsw   | 27 | 10.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | NWsw   | 28 | 10.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | NEsw   | 29 | 19.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | SEsw   | 34 | 20.0    | Irrigation & Stock Water |
| 2   | 35S | 7E    | 21  | SEsw   | 37 | 20.0    | Irrigation & Stock Water |
|     |     |       |     |        |    | 107.6   |                          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0133

OW/WD Case 209, Claim 84 Amendment

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SALEM, OREGON

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| POU |     |       |     | POD #3  |    |         |            |
|-----|-----|-------|-----|---------|----|---------|------------|
| POD | TWP | Range | Sec | 1/4 1/4 | GL | # Acres | Type Use   |
| 3   | 35S | 7E    | 20  | SWNW    | 16 | 0.8     | Irrigation |
|     |     |       |     |         |    | 0.8     |            |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0134

DWR Case 209, Claim 84, Amendment

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SALEM, OREGON

| POU |     |       |     | POD #4 |    |         |          |
|-----|-----|-------|-----|--------|----|---------|----------|
| POD | TWP | Range | Sec | ¼¼     | GL | # Acres | Type Use |
| 4   | 35S | 7E    | 20  | SWNW   | 16 | 1.6     |          |
| 4   | 35S | 7E    | 20  | NWSW   | 25 | 7.7     |          |
| 4   | 35S | 7E    | 20  | NWSW   | 27 | 9.6     |          |
| 4   | 35S | 7E    | 20  | SWSW   | 34 | 7.7     |          |
|     |     |       |     |        |    | 26.6    |          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0135  
OWRD Case 209, Claim 84, Amendment

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WATER RESOURCES DEPT  
SALEM, OREGON

| POU |     |       |     | POD #5  |    |         |          |
|-----|-----|-------|-----|---------|----|---------|----------|
| POD | TWP | Range | Sec | 1/4 1/4 | GL | # Acres | Type Use |
| 5   | 35S | 7E    | 20  | SWSW    | 34 | 0.2     |          |
|     |     |       |     |         |    | 0.2     |          |

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SALEM, OREGON

0136

0136 Case 209, Claim 84 Amendment

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

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| POU |     |       |     | POD #6 |    |         |            |
|-----|-----|-------|-----|--------|----|---------|------------|
| POD | TWP | Range | Sec | ¼¼     | GL | # Acres | Type Use   |
| 6   | 35S | 7E    | 20  | SWSW   | 34 | 0.4     | Irrigation |
|     |     |       |     |        |    | 0.4     |            |

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WATER RESOURCES DEPT  
SALEM, OREGON

0137

ORDER Case 209, Claim 84, Amendment

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

| POU |     |       |     | POD #7  |    |         |            |
|-----|-----|-------|-----|---------|----|---------|------------|
| POD | TWP | Range | Sec | 1/4 1/4 | GL | # Acres | Type Use   |
| 7   | 35S | 7E    | 20  | SWSW    | 34 | 0.4     | Irrigation |
|     |     |       |     |         |    | 0.4     |            |

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WATER RESOURCES DEPT  
SALEM, OREGON

0138

Case No. 209, Claim No. 84 OWTD Case 209, Claim 84 Amendment  
Stipulation, Exhibit H

| POU |     |       |     | POD #8 |    |         |                          |
|-----|-----|-------|-----|--------|----|---------|--------------------------|
| POD | TWP | Range | Sec | ¼¼     | GL | # Acres | Type Use                 |
| 8   | 35S | 7E    | 31  | NWNE   | 9  | 15.5    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | SENE   | 11 | 19.7    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | SENE   | 20 | 16.3    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | NESE   | 21 | 14.5    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | NESE   | 28 | 12.6    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | SESE   | 29 | 10.0    | Irrigation & Stock Water |
| 8   | 35S | 7E    | 31  | SESE   | 38 | 7.0     | Irrigation & Stock Water |
|     |     |       |     |        |    | 95.6    |                          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0139  
OWRDC Use 209, Claim 84, Stipulation

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WATER RESOURCES DEPT  
SALEM, OREGON

| POU |     | POD #9 |     |      |    |         |                          |
|-----|-----|--------|-----|------|----|---------|--------------------------|
| POD | TWP | Range  | Sec | ¼¼   | GL | # Acres | Type Use                 |
| 9   | 35S | 7E     | 3   | NWNW | 13 | 2.2     | Irrigation & Stock Water |
| 9   | 35S | 7E     | 3   | SENW | 14 | 3.3     | Irrigation & Stock Water |
| 9   | 35S | 7E     | 3   | SWNE | 15 | 4.5     | Irrigation & Stock Water |
| 9   | 35S | 7E     | 3   | NWSE | 20 | 4.6     | Irrigation & Stock Water |
|     |     |        |     |      |    |         |                          |
| 9   | 35S | 7E     | 4   | NENE | 9  | 2.0     | Irrigation & Stock Water |
|     |     |        |     |      |    | 16.6    |                          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0140  
GWPD Case 209, Claim 84 Amendment

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WATER RESOURCES DEPT  
SALEM, OREGON

| POU |     |       |     | POD #10 |    |         |                          |
|-----|-----|-------|-----|---------|----|---------|--------------------------|
| POD | TWP | Range | Sec | 1/4 1/4 | GL | # Acres | Type Use                 |
| 10  | 35S | 7E    | 9   | SESE    | 33 | 2.5     | Irrigation & Stock Water |
| 10  | 35S | 7E    | 10  | SWSW    | 15 | 3.3     | Irrigation & Stock Water |
| 10  | 35S | 7E    | 10  | SWSW    |    | 6.4     | Irrigation & Stock Water |
| 10  | 35S | 7E    | 15  | NWNW    |    | 2.7     | Irrigation & Stock Water |
| 10  | 35S | 7E    | 16  | NENE    | 1  | 4.9     | Irrigation & Stock Water |
| 10  | 35S | 7E    | 16  | NENE    | 10 | 2.0     | Irrigation & Stock Water |
|     |     |       |     |         |    | 21.8    |                          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0141

OWRD Case 209, Claim 84 Amendment

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WATER RESOURCES DEPT  
SALEM, OREGON

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| POU |     |       |     | POD #11 |    |         |                          |
|-----|-----|-------|-----|---------|----|---------|--------------------------|
| POD | TWP | Range | Sec | ¼¼      | GL | # Acres | Type Use                 |
| 11  | 35S | 7E    | 16  | SENE    | 20 | 6.3     | Irrigation & Stock Water |
| 11  | 35S | 7E    | 16  | NESE    | 21 | 5.4     | Irrigation & Stock Water |
|     |     |       |     |         |    | 11.7    |                          |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0142

OWRD Case 209, Claim 84 Amendment

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WATER RESOURCES DEPT  
SALEM, OREGON

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| POU |     |       |     | POD #12 |    |         |                          |
|-----|-----|-------|-----|---------|----|---------|--------------------------|
| POD | TWP | Range | Sec | ¼¼      | GL | # Acres | Type Use                 |
| 1   | 35S | 7E    | 20  | NESE    | 22 | 13.3    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | NESE    | 30 | 19.1    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESE    | 31 | 19.5    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SWSE    | 32 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESW    | 33 | 6.6     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESW    | 36 | 7.9     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SWSE    | 37 | 19.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 20  | SESE    | 38 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NENE    | 10 | 5.7     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NWNE    | 11 | 0.4     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SENE    | 12 | 3.9     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWNE    | 13 | 5.5     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWNE    | 22 | 6.0     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SENE    | 23 | 0.4     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NWSW    | 27 | 7.0     | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | NWSW    | 28 | 10.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWSW    | 35 | 14.4    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 21  | SWSW    | 36 | 18.5    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NENW    | 3  | 10.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NWNW    | 4  | 15.9    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NWNW    | 5  | 19.8    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | SWNW    | 6  | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | SENW    | 11 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | SWNW    | 12 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | SWNW    | 13 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | SENW    | 14 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NWSE    | 18 | 17.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NESW    | 19 | 20.0    | Irrigation & Stock Water |
| 1   | 35S | 7E    | 28  | NWSW    | 20 | 20.0    | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0143

Original Case 209, Claim #4 Amendment

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 28 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NESW | 22 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NWSE | 23 | 19.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | NESE | 24 | 0.1  | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESE | 25 | 1.3  | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSE | 26 | 17.9 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SFSW | 27 | 19.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSW | 28 | 12.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSW | 29 | 18.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESW | 30 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 28 | SESE | 32 | 3.2  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 29 | NENE | 1  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNE | 2  | 14.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENW | 3  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNW | 4  | 15.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNW | 5  | 19.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWNE | 7  | 10.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NENE | 8  | 17.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 9  | 19.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNW | 12 | 16.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNW | 13 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 14 | 17.3 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSW | 20 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSW | 21 | 14.1 | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0144

DWRD Case 209, Claim 84 Amendment

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WATER RESOURCES DEPT

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 29 | NESW | 22 | 18.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NWSE | 23 | 11.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | NESE | 24 | 19.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESE | 25 | 17.1 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSE | 26 | 12.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESW | 27 | 17.7 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSW | 28 | 18.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESW | 30 | 17.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SWSE | 31 | 12.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 29 | SESE | 32 | 12.8 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 30 | NENE | 10 | 8.8  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SENE | 11 | 17.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWNE | 19 | 0.6  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SENE | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NESE | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NWSE | 22 | 5.1  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NWSE | 29 | 10.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | NESE | 30 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWSE | 32 | 16.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESW | 38 | 0.2  | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SWSE | 39 | 18.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 30 | SESE | 40 | 18.5 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 31 | NENE | 1  | 14.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NENW | 3  | 2.7  | Irrigation & Stock Water |
| 1 | 35S | 7E | 31 | NENE | 10 | 20.0 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 35S | 7E | 32 | NENE | 1  | 15.7 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNE | 2  | 17.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENW | 3  | 14.2 | Irrigation & Stock Water |

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WATER RESOURCES DEPT  
SALES OFFICE

0145

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0111D Case 209, Claim 84 Amendment

KBA\_ACFOD\_06876

|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 35S | 7E | 32 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNW | 5  | 20.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENW | 6  | 14.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NENE | 8  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 9  | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNE | 10 | 13.5 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENW | 11 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNW | 13 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENW | 14 | 19.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWNE | 15 | 16.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSE | 18 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESW | 19 | 19.6 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESW | 22 | 19.4 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NWSE | 23 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESE | 25 | 17.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSE | 26 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESW | 27 | 19.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESW | 30 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 32 | SESE | 32 | 19.0 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENE | 1  | 4.5  | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNE | 2  | 11.2 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENW | 3  | 18.8 | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNW | 4  | 20.0 | Irrigation & Stock Water |

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Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0146

0146 Case 209, Claim 84 Amendment

DEC 15 2006

WATER RESOURCES DEPT  
SALEM OREGON

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|   |     |    |    |      |    |         |                          |
|---|-----|----|----|------|----|---------|--------------------------|
| 1 | 35S | 7E | 33 | NWNW | 5  | 18.8    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENW | 6  | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWNE | 7  | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NENE | 8  | 5.3     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SENE | 9  | 4.3     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWNE | 10 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 11 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 12 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 13 | 18.4    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 14 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 15 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 16 | 5.3     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESE | 17 | 8.3     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSE | 18 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESW | 19 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSW | 20 | 18.9    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSW | 21 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESE | 22 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NWSE | 23 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | NESE | 24 | 8.0     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 25 | 5.2     | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 26 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 27 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 28 | 18.5    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSW | 29 | 13.4    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESW | 30 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SWSE | 31 | 20.0    | Irrigation & Stock Water |
| 1 | 35S | 7E | 33 | SESE | 32 | 6.2     | Irrigation & Stock Water |
|   |     |    |    |      |    | 2,469.6 |                          |
| 1 | 36S | 7E | 3  | NWNW | 4  | 0.4     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | NWNW | 5  | 2.0     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWNW | 12 | 5.5     | Irrigation & Stock Water |
| 1 | 36S | 7E | 3  | SWNW | 13 | 7.5     | Irrigation & Stock Water |

0147

Case No. 209, Claim No. 84 ONRD Case 209, Claim 84, Amendment  
Stipulation, Exhibit H

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**WATER RESOURCES DEPT**

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|   |     |    |   |      |    |      |                          |
|---|-----|----|---|------|----|------|--------------------------|
| 1 | 36S | 7E | 3 | NWSW | 20 | 9.0  | Irrigation & Stock Water |
| 1 | 36S | 7E | 3 | NWSW | 21 | 10.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 3 | SWSW | 28 | 12.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 3 | SWSW | 29 | 14.5 | Irrigation & Stock Water |
|   |     |    |   |      |    |      |                          |
| 1 | 36S | 7E | 4 | NENE | 1  | 19.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NENW | 3  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWNW | 5  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NENE | 8  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SENE | 9  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWNE | 10 | 17.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SENW | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWNW | 13 | 16.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SENW | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SENE | 16 | 17.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSW | 20 | 19.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSW | 21 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NESW | 22 | 16.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | NWSE | 23 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSE | 26 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESW | 27 | 17.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSW | 28 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSW | 29 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SESW | 30 | 18.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 4 | SWSE | 31 | 19.2 | Irrigation & Stock Water |

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**WATER RESOURCES DEPT**

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

**0148**

OWRD Case 209, Claim 84, Insubstant

|   |     |    |   |      |    |      |                          |
|---|-----|----|---|------|----|------|--------------------------|
| 1 | 36S | 7E | 4 | SESE | 32 | 19.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENE | 1  | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENW | 3  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNW | 4  | 19.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNW | 5  | 16.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENW | 6  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NENE | 8  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 9  | 17.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 11 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNW | 12 | 9.0  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNW | 13 | 5.4  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 14 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SENE | 16 | 19.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWSE | 18 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESW | 19 | 18.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESW | 22 | 13.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NWSE | 23 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWSE | 26 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESW | 27 | 4.3  | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 5 | SESE | 32 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NENE |    | 40.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NWNE |    | 35.9 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SWNE |    | 32.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SENE |    | 40.0 | Irrigation & Stock Water |

0149

Case No. 209, Claim No. 84 CHRD Case 209, Claim #4, Interlocut  
 Stipulation, Exhibit H

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WATER RESOURCES DEPT  
SACRAMENTO

|   |     |    |   |      |    |      |                          |
|---|-----|----|---|------|----|------|--------------------------|
| 1 | 36S | 7E | 8 | NESE |    | 40.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | NWSE |    | 7.1  | Irrigation & Stock Water |
| 1 | 36S | 7E | 8 | SESE |    | 33.5 | Irrigation & Stock Water |
|   |     |    |   |      |    |      |                          |
| 1 | 36S | 7E | 9 | NENE | 1  | 17.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENW | 3  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNW | 5  | 18.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENW | 6  | 19.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NENE | 8  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENE | 9  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNE | 10 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENW | 11 | 17.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNW | 12 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNW | 13 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENW | 14 | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWNE | 15 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SENE | 16 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NESE | 17 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWSE | 18 | 19.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NESW | 19 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NESW | 22 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NWSE | 23 | 19.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | NESE | 24 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SESE | 25 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWSE | 26 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SESW | 27 | 8.6  | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9 | SESW | 30 | 11.9 | Irrigation & Stock Water |

Case No. 209, Claim No. 84  
Stipulation, Exhibit H

0150

GDWD C (rev 200) Ch 209 51, 2000/00/00

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**WATER RESOURCES DEPT**

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|   |     |    |    |      |    |      |                          |
|---|-----|----|----|------|----|------|--------------------------|
| 1 | 36S | 7E | 9  | SWSE | 31 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 9  | SESE | 32 | 20.0 | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 10 | NWNW | 4  | 16.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWNW | 5  | 18.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWNW | 12 | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWNW | 13 | 18.1 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SESW | 14 | 2.7  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NESW | 19 | 4.2  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWSW | 20 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NWSW | 21 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | NESW | 22 | 6.2  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SESW | 27 | 7.3  | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWSW | 28 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SWSW | 29 | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 10 | SESW | 30 | 9.3  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 15 | NENW | 3  | 11.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NWNW | 4  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NWNW | 5  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NENW | 6  | 12.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SESW | 11 | 13.7 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SWNW | 12 | 19.3 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SWNW | 13 | 16.9 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | SESW | 14 | 11.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 15 | NESW | 19 | 2.7  | Irrigation & Stock Water |
|   |     |    |    |      |    |      |                          |
| 1 | 36S | 7E | 16 | NENE | 1  | 19.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNE | 2  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENW | 3  | 13.4 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNW | 4  | 18.8 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNW | 5  | 11.5 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENW | 6  | 12.2 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWNE | 7  | 20.0 | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NENE | 8  | 19.2 | Irrigation &             |

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Case No. 209, Claim No. 84  
Stipulation, Exhibit H

OWTD Case 209, Claim 84, Introduction

DEC 15 2006

|   |     |    |    |      |       |         |                          |
|---|-----|----|----|------|-------|---------|--------------------------|
|   |     |    |    |      |       |         | Stock Water              |
| 1 | 36S | 7E | 16 | SENE | 9     | 19.3    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNE | 10    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SENW | 11    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNW | 12    | 0.4     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNW | 13    | 3.7     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SENW | 14    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWNE | 15    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SENE | 16    | 19.1    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESE | 17    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSE | 18    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESW | 19    | 20.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSW | 20    | 7.1     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSW | 21    | 5.9     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESW | 22    | 18.6    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NWSE | 23    | 13.0    | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | NESE | 24    | 6.7     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SESW | 27    | 4.0     | Irrigation & Stock Water |
| 1 | 36S | 7E | 16 | SWSW | 28    | 0.5     | Irrigation & Stock Water |
|   |     |    |    |      |       |         |                          |
| 1 | 36S | 7E | 17 | NENE | 1     | 16.1    | Irrigation & Stock Water |
| 1 | 36S | 7E | 17 | NENE |       | 1.2     | Irrigation & Stock Water |
|   |     |    |    |      |       | 2,659.6 |                          |
|   |     |    |    |      |       |         |                          |
|   |     |    |    |      | T35   | 2,469.6 |                          |
|   |     |    |    |      | T36   | 2,659.6 |                          |
|   |     |    |    |      | TOTAL | 5,129.2 |                          |

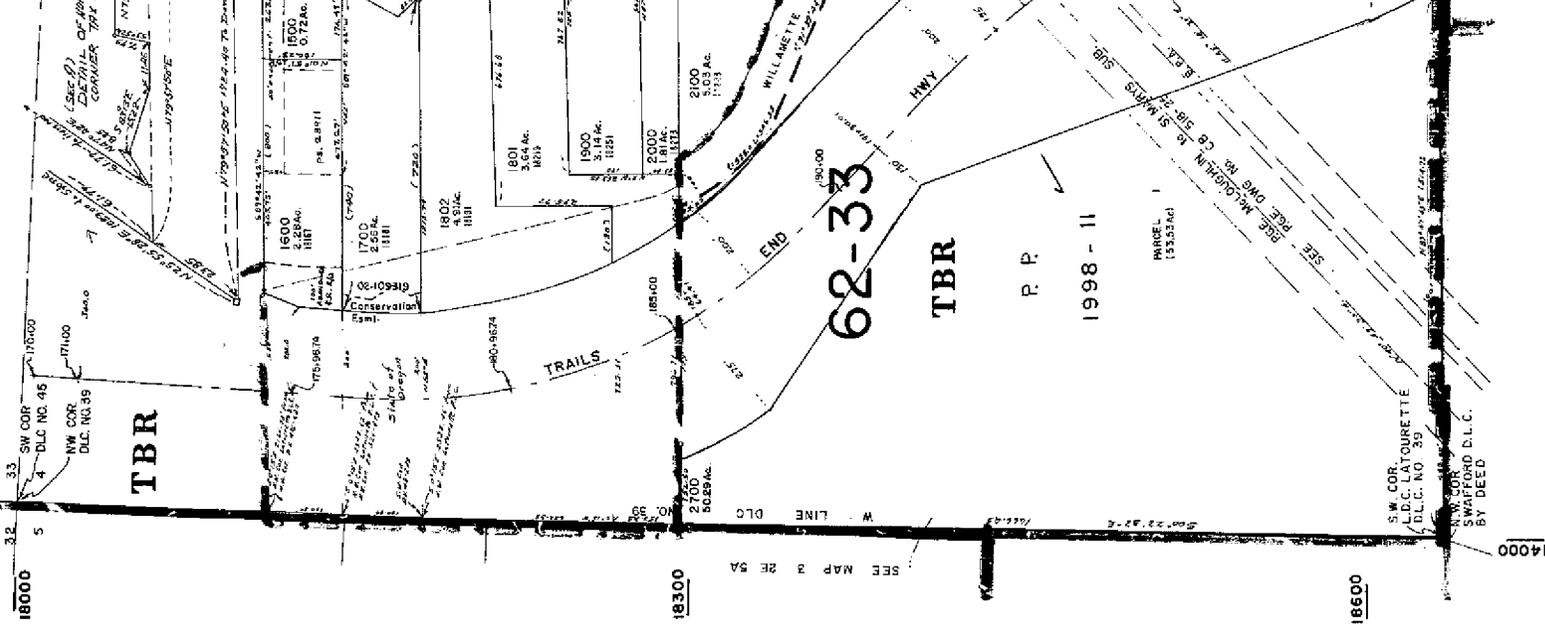
NW/4 SEC. 4 T.3S.R.2E. W.M.  
 CLACKAMAS COUNTY  
 D.L.C.  
 L.D.C. LATOURETTE NO. 39 & 45  
 J. G. SWAFFORD UNRECORDED

3 2E 4B

1" = 200'

CANCELLED  
 1600  
 1701  
 1803  
 230  
 210

This map was prepared for  
 assessment purpose only.



SEE MAP 3 2E 4A  
 SEE MAP 3 2E 4C  
 SEE MAP 3 2E 4B  
 SEE MAP 3 2E 4B

## CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November 2007, I served the within  
STIPULATION TO RESOLVE CONTESTS CLAIM 84; and CERTIFICATE OF  
SERVICE on the parties hereto by e-mail (if an e-mail address is listed below), and by  
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