SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP OK NAME OUT #	UNADJUDICATED AREA ?
RECEIPT # 9590S (Success (e))	swrnumber 491
CHECK ENCLOSURES	PRELIMINARY DATA BASE ENTRY DUT
ACKNOWLEDGEMENT LETTER	ENTER ON STREAM INDEX
CHECK QUADRANGLE MAP	CHECK GLO PLATS
WATERMASTER CHECKLIST	PUBLIC NOTICE PUBLICATION
FORM REVIEW blanks filled in signed date received stamped	FRE = 4-80
source and trib diversion point location conveyances (pipes, dite place of use scale township, range, section north arrow CWRE stamp disclaimer date survey was perform P.O.B. of survey dimensions and capacity "beneficial use" type to	of diversion system itle
WATER RIGHT RECORD CHECK	FIELD INSPECTION
FINAL FILE REVIEW FINA	L DATA BASE ENTRY
ENTER ON PLAT CARDS	

C:\WP51\SWR\CHCKLIST.1

7-30-92



WATER
RESOURCES
DEPARTMENT

February 28, 1994

ALBERT GASCHLER PO BOX 412 ONTARIO OR 97914

RE: SWR-491

Dear Mr Gaschler,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of ANDREW GREELEY JR you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,

Don Knauer

Adjudication Specialist

J:\W\S\C\4\SWR-0491.005





January 10, 1994

WATER
RESOURCES
DEPARTMENT

ANDREW GREELEY JR 725 SUCCOR CREK ROAD JORDAN VALLEY OR 97910

re: SWR-490

Dear Mr Greeley,

You will find enclosed the correct refund check for \$141.20. Thank you for returning the other check. If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,

Don Knauer

Adjudication Specialist

J:\W\S\C\4\SWR-0490.004 & 491.004





January 3, 1994

WATER
RESOURCES
DEPARTMENT

ANDREW GREELEY JR 725 SUCCOR CREEK ROAD JORDAN VALLEY OR 97910

re: SWR-490 and SWR-491

Dear Mr Greeley,

I was made aware of a mistake I made the other day in regards to refund checks. I find I sent your check to the wrong claimant and I think I sent you a check in the amount of \$200.00 intended for LEILA M. ROCHEK. If you do have the check for Ms Rochek, I would appreciate you returning it and I will insure you receive the correct one.

I have tried to call you and will continue to do so.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,

Don Knauer

Adjudication Specialist

J:\W\S\C\4\SWR-0490.003 AND SWR-0491.003





December 16, 1993

WATER
RESOURCES
DEPARTMENT

ALBERT GASCHLER PO BOX 412 ONTARIO OR 97914

RE: File# SWR-491

DEAR ALBERT GASCHLER,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and reciepts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for ANDREW GREELEY. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

diversion point location

ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..."

point of beginning

OAR 690-28-025-(4)-(b) "The point of beginning..."

Mr Greeley answered question #4 with a reference to Exhibits A thru G. It appears that there is more than one priority date. If this is the case, you must identify the area of use on the map by priority date. If there is more than one priority date, Mr Greeley will be required to submit Surface Water Registration Statements for each priority date as only one priority date is allowed per claim form.



You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,

Don Knauer

Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\4\SWR-0491.00M



December 27, 1993

WATER
RESOURCES
DEPARTMENT

ANDREW GREELEY JR 725 SUCCOR CREEK ROAD JORDAN VALLEY OR 97910

re: SWR-490 and SWR-491

Dear Mr Greeley,

You will find enclosed a check for \$ 200.00 as a refund for over payment of the required fees for the two surface water registration statements you filed with the Water Resources Department. I have contacted Albert Gaschler your CWRE for information to complete the mapping requirements. In the future I will make a complete review of your files.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

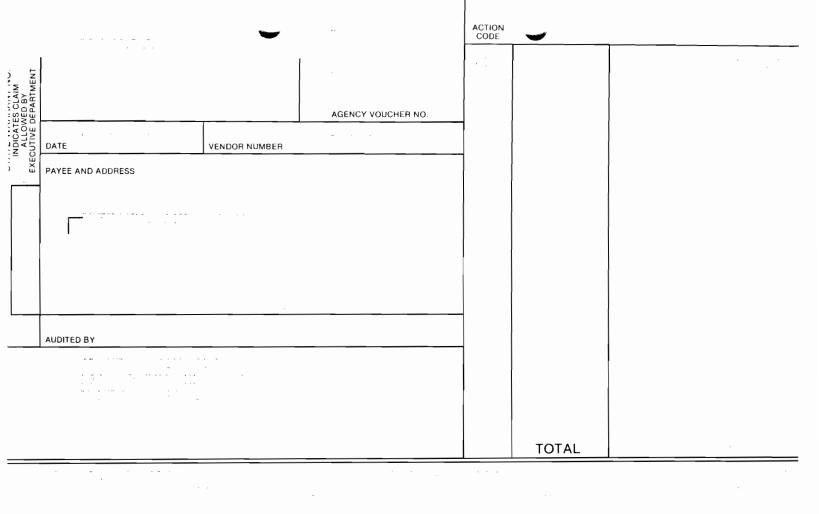
Sincerely,

Don Knauer

Adjudication Specialist

J:\W\S\C\4\SWR-0490.002 AND SWR-0491.002





WARRANT No. 0001232254



STATE OF OREGON

DEPT OF ADMINISTRATIVE SERVICES

TO THE STATE TREASURER, SALEM, OREGON 97310

ORIGINATING AGENCY AGENCY# WATER RESOURCES 69000

VOUCHER 001219

TREASURY FUND 401

ISSUE DATE 12 / 23 / 1993

96-10

PAY EXACTLY ******************** Dollars and 20 Cents

AMOUNT \$141.20 VOID AFTER 2 YEARS FROM DATE OF ISSUE

PAY TO THE **ORDER** OF

GREELEY, ANDREW JR

AUTHORIZED SIGNATURE

#*OOO1232254# #123200101# 10501#

то

DAVE NELSON, FISCAL

DATE: 12-15-93

FROM.

Authorized Examiner

SUBJECT:

Request for Refund Check

Please refund \$ 4 2 to file no. SWZ-47044, receipt refunded due to:	ANDREW GREELLY, JE no. 15705 . These funds are
	Application rejected Application withdrawn Excess fees collected for application File closed Other:

0102C

OUBL PAYMENT.

I'm 8200 CHECK Deknamm



April 14, 1993

WATER
RESOURCES
DEPARTMENT

ANDREW GREELEY JR 725 SUCCOR CREEK RD JORDAN VALLEY OR 97910

Dear MR GREELEY,

This will acknowledge that your Surface Water Registration Statement in the name of ANDREW GREELEY JR has been received by our office. The fees in the amount of \$679.20 have been received and our receipt #95905 is enclosed. Your registration statement has been numbered SWR-491.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,

Don Knauer

Adjudication Specialist

Enclosure

J:\WP51\SWR\CLAIMANT\4\SWR-0491.001

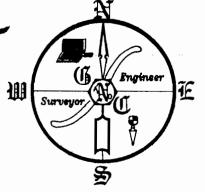


STATE OF OREGON
WATER RESOURCES DEPARTMENT
RECEIPT # 95905 3850 PORTLAND ROAD NF 3850 PORTLAND ROAD NE SALEM, OR 97310 378-8455/378-8130 (FAX)

EIVED FRO	M: Judrew Free	lands.	APP	LICATION	
			F	PERMIT	
			TR	ANSFER	
H: C	HECK: # OTHER: (IDENTIFY)	-			
_	¥192-9 Ll		TOTAL	REC'D	\$879 2
01-00-0	WRD MISC CASH ACCT				
842.010	ADJUDICATIONS				\$679.2
831.087	PUBLICATIONS/MAPS				\$
830.650	PARKING FEES Name/month				\$
	OTHER: (IDENTIFY)				\$
REDUC	TION OF EXPENSE				
		→ CASH	ACCT.		\$
T	OST CENTER AND OBJECT CLASS	VOUC	HER #		
03-00-0	WRD OPERATING ACCT				
	MISCELLANEOUS:				
840.001	COPY FEES				\$
850.200	RESEARCH FEES				\$
880.109	MISC REVENUE: (IDENTIFY)				\$
520.000	OTHER (P-6): (IDENTIFY)				\$
	WATER RIGHTS:	EXAM FEE			RECORD FEE
842.001	SURFACE WATER	\$	84	42.002	\$
842.003	GROUND WATER	\$	84	12.004	\$
842.005	TRANSFER	\$	84	42.006	s
	WELL CONSTRUCTION	EXAM FEE	_		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	84	42.023	\$
842.016	WELL DRILL OPERATOR	\$	84	12.019	\$
	LANDOWNER'S PERMIT		84	12.024	\$
06-00-0	WELL CONST START FE	E			
842.013	WELL CONST START FEE	_ 		CARD #	
	MONITORING WELLS	\$		CARD #	
45-00-0	LOTTERY PROCEEDS				•
864.000	LOTTERY PROCEEDS	_			\$
07-00-0	HYDRO ACTIVITY	LIC NUMBER			
842.011	POWER LICENSE FEE(FW/WRD)				\$
842.115	HYDRO LICENSE FEE(FW/WRD)				\$
	HYDRO APPLICATION				\$
					- C
EIPT#	95905 DATED:	10/9-	BY: _	<i>C.</i> .	nigel

GASCHLER & CUMMINGS

CIVIL ENGINEERING & LAND SURVEYING
P.O.Box412 / 786 Sunset Dr., Ontario, Oregon 97914
Phone: (503)889-2101 Fax: (503)889-9544



LETTER OF TRANSMITTAL

Oregon Water Resources Department 3850 Portland Road NE Salem, Oregon 97310

Attn: Don Knauer, Adjudication Specialist

Re: SWR-491, SWR-489 & SWR-490

FER 22 1994

WATER RESOURCES DEPT. SALEM, OREGUN

We are sending the following items:		DECORPTION	
DATE	COPIES	DESCRIPTION	
2/18/94	11	SWR-491 - Revised Mylar Copy	
2/18/94	1	SWR-489 - Revised Mylar Copy	
2/18/94	1	SWR-490 - Revised Mylar Copy	
	_		
THESE ARE TRANS	MITTED:		
☐ For your information	For action specified belo	For review For your use As requested and comment	

Remarks:

If you require any more information, please let us know.

Submitted By:

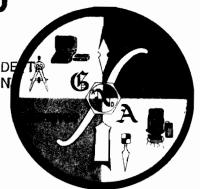
Albert Gaschler, P.E.,P.L.S.

RECEIVED

GASCHLER & ASSOCIATES JAN 0 4 1993

CIVIL ENGINEERING / SURVEYING WATER RESOURCES DE

P.O. BOX 412 • 786 SUNSET DR. • ONTARIO, OREGON SAGEM, OREGON 503-889-2101



SURFACE WATER REGISTRATION STATEMENT PRE-1909 VESTED WATER RIGHT CLAIM

REGISTRANT: ANDREW GREELEY JR.

EXHIBIT -H-

Our family has ranched on these lands since the early 1900's. I am well aquainted with ranchers and ranching in this part of the county. As can be seen from the affidavits enclosed, these lands have all been irrigated since the late 1800's.

It is impossible to run a viable ranch on these lands without adequate irrigation water.

We are requesting the right to use the waters of Spring Creek, Carter Creek and Succor Creek, as they have been historically used since the late 1800's.

JAN 0 4 1993

WARRANTY DEED

WATER RESOURCES DEPT SALEM, OREGON

MARY ELLEN ALLISON, called grantor herein, hereby conveys to ANDREW GREELEY, JR., whose address is Rockville Route, Marsing, Idaho, the following described real property:

11 my undivided one-half interest in and to

```
Land in Malheur County, Oregon, to wit:
                                          In Twp. 26 S., R. 44 E., W.M.: - Sec. 25: SEŁ.
                                           Sec. 32:
                                                             Sec. 33:
                                                                                                                       Lots 1 & 2, NW SW 2.
                                           In Twp. 27 S., R. 45 E., W.M.:
Sec. 2: S\(\frac{1}{2}\)N\(\frac{1}{2}\), S\(\frac{1}{2}\)N\(\frac{1}{2}\), S\(\frac{1}{2}\)N\(\frac{1}{2}\), S\(\frac{1}{2}\)N\(\frac{1}{2}\), N\(\frac{1}{2}\)N\(\frac{1}{2}\), N\(\frac{1}{2}\)N\(\frac{1}\), N\(\frac{1}{2}\)N\(\frac{1}{2}\), N\(\
                                                             Sec. 12:
Sec. 13:
Sec. 14:
Sec. 23:
                                                                                                                      Włswł, Sełswł.
Ninwł.
                                                                                                                        SELY ENEY!
                                                                                                                        NINE Z.
                                           In Twp. 25 S., R. 46 E., W.M.:
Sec. 32: Etnet, NWtnet, Etset
Sec. 33: NWt, NtsWt.
                                             In Twp. 26 S., R. 46 E., W.M.: Sec. 5: Govt. Lot 1.
                                                                                             4: SWISWE.
                                                               Sec.
                                                                                                                       SWAZ, SANEA, NASEA.
WANWA, NWASWA.
                                                                                                 8:
                                                               Sec.
                                                               Sec. 17: NINW 1, SWINW 1.
Sec. 18: SELSWI, WISEL, NEISEL, SELNEI.
SUBJECT TO:
```

1. CHARGES AND ASSESSMENTS of the Succor Creek Water Control

District and any and all matters pertaining thereto.

2. EASEMENT, including the terms and provisions thereof, favor of Idaho Power Company, a corporation, dated June 10, 1949, recorded May 21, 1951, Instrument No. 14155, Book 86, Deeds, over and across the NE NW of Sec. 33, Twp. 25 S., R. 46 E., W.M.

and covenants that grantor is the owner of the above described property free of all encumbrances except as hereinabove set out, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The consideration for this transfer is: There is no consideration; this is an exchange of land.

Dated: 2, 1972.

STATE OF OREGON)

Mary Ellen allin punty of Malheur)

Personally appeared the above named Mary Ellen Allison and 2, 1972 eknowledged the foregoing instrumentto be her valuntary act. Before

Notary Public for Oregon My Commission expires: 3-1-74

8 and

12

13

14

15

16

17

18

19

20

27

28

29

rument of writing

SS

Malbeur

70

STATE OF OREGON

WARRANTY DEED

RECEIVED

JAN 0 4 1993 MATER RESOURCES DEPT SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
)ss
County of Malheur)

Exhibit - A-

I, Clarence Mullinix, being first duly sworn depose and say: That I am 77 years of age. That I have lived in Malheur County since 1881 and spent a great deal of my life in and around the lands hereinafter described. That my Mother was Lizzie Phipps who at one time owned a portion of these lands. That I am and have been for many years well acquainted with the land and the ditches on the land and the application of water onthe land. That I have personally seen all the ditches and seen the application of water.

That I am well acquainted with what is known as the W. C. Carlton Ranch a part of which is located in Sections 8 and 9 in Township 26, South, Range 46 E.W.M. That this land and particularly land in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 9, and the Southeast of the Northeast Quarter of Section 8 as for many years been irrigated by water from what is mown as Spring Creek. That two ditches came from Spring Creek, the point of diversion being two different dams on said Spring Creek both approximately 400 yards in a northeasterly direction from the Northwest corner of Section 16 in said Township and Range. Said ditches flow north and irrigate approximately 37 acres of land situated in the Northwest warter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section 9 and the Southeast Quarter of the Northeast Quarter of Section 8 all in the township and range above. That I know of my own knowledge that one Frank Leonard constructed ditches and irrigated this land prior to 1885. That said Leonard made a beneficial application of water of Spring Creek to the above described land. That thereafter

one William Schnable occupied said land and diverted water from Spring Creek through said ditches and applied it beneficially upon the land above described. That of my own knowledge this land has been so irrigated each irrigation season down to the present time. That it is now owned by one Maude Greeley who has owned it for some 21 years and that during her ownership the land has been irrigated in the same manner and is so being irrigated today. That crops have been grown upon said land during all these years, said crops being wild meadow hay and such crops are now being grown.

Affiant further states that I am and for many years have been well acquainted with what is commonly known as the Frank Mullinix place in Malheur County, regon. That said land includes among other land the Northwest Quarter of the Southwest quarter of Section 33, Township 25, South, Range 46 E.W.M. That my Mother, Lyzzie Phipps, located on this land and diverted water from Carter Creek and applied it to the above described land. That she made her first application of water in 1885. That thereafter my brother, Frank Mullinix homesteaded this land and continued to divert water from Carter Creek and applied it to the above described land. That said land was thereafter patented to him and that since 1885 the land has been irrigated each irrigation season and there has been approximately 27 acres of land in the eastern portion of said Northwest Quarter of Southwest Quarter of said Section, Township and Range so irrigated from water on Carter Creek. That the point of diversion on Carter Creek is approximately 360 yards in a northeasterly direction from the Southwest corner of said Section 33, Twonship 25, South, Range 46 E.W.M. The ditch runs about 80 yards north and then east andwest and irrigates said 27 acres. That I know of my own knowledge that said land has been continuously irrigated since that date.

SI POST WATER RESOURCES DEPT. SALEM, OREGON

Affiant further states that I amwell acquainted with what is known as the J. M. Mullinix place in Malheur County Oregon, and along Spring Creek. That said Mullinix place includes amonther other land, land in the Northwest quarter of the Northwest warter of Section 9, and the Southwest warter of the Southwest Quarter of Section 4, all in Township 26, South, Range 46 E.W.M. That said land lies along what is commonly known as Spring Creek. That I know of my own knowledge that one Fred James constructed diversions in Spring Creek and dug ditches and through those ditches diverted the waters of Spring Creek onto the above described lands. That this diversionwas made and the ditches constructed in 1885. That a beneficial use of the water was made from said Creek to said lands and wild meadow hay was raised.

Subscribed and sworn to before me this 3rd day of

December, 1952.

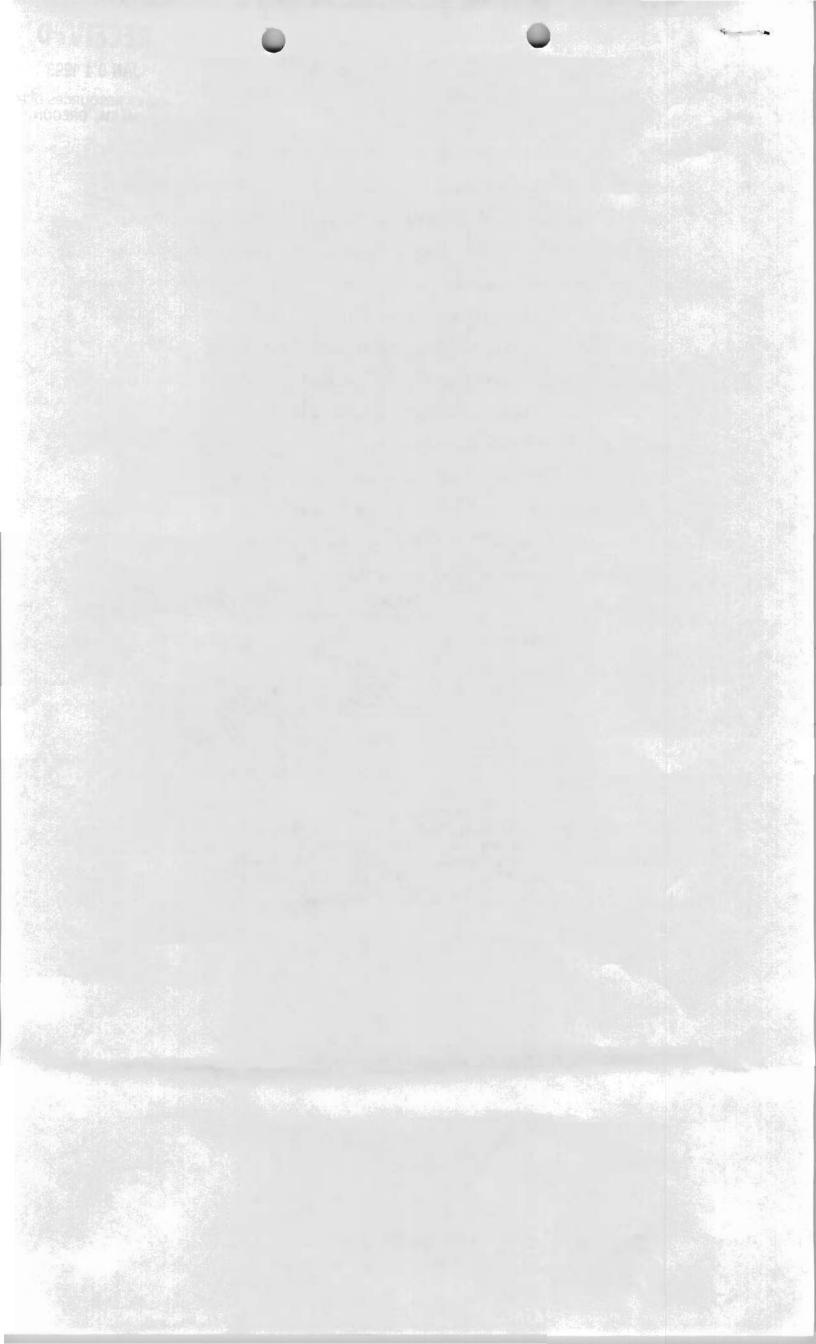
Notary Public for Oregon

My Com. Expires 3-1-54

County of Malheur

Inst. No. 27898 I certify that the rument of writing was received for record on the 274 10 O'clock AM.

H. S. SACKETT, County Clerk



AFFIDAVLT

RECEIVED

Exhibit -B-STATE OF OALGAN County of Malheur)

I, Lohn T Glover, being first duly sworn depose and say: That I am 66 years of age. That I have lived in Malhour County, Orogon, since 1887 and spent a great deal of my life in and around the lands hereinafter described. That I am and have been for many years well acquainted with the land and the ditches on the land and the application of water on the land. That I have personally seen all the ditches and seen the application of water.

That I am well acquainted with what is known as the ... C. Carlton Ranch, a part of which is located in Sections 8 and 9 in Township 26, South, Range 46 b.W.M. That this land and particularly land in the Northwest Juanter of the Southwest warter and the Southwest warter of the Harthwest Quarter of Section 9, and the Southeast of the Northeast quarter and the Northeast Quarter of the Southeast Quarter of Section 8 has for many years been irrigated by water from what is known as Spring Creek. That two ditches came from Spring Creek, the point of diversion being two different dans on said Spring Creek both approximately 400 yards in a northeasterly direction from the Northwest corner of Section 18 in said Township and Mange. Said ditches flow north and irrigate approximately 37 acres of land situated in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Morthwest quarter of Section 9, and the Southeast Quarter of the Mortheast Quarter and the Mortheast quarter of the Southeast Quarter of Section 8, all in the Township and Range above. That of my own knowledge this land has been so irrigated each irrigation season down to the present time. That it is now owned by one Maude Greeley who has owned it for some 21 years and that during her ownership the land has been irrigated in the same manner and is so being irrigated today.

That crops have been grown upon said land during all these
years, said crops being wild meadow hay and such crops are now
being grown.

Affiant further states that I am and for any years have been well acquainted with what is commonly known as the Frank Mullinix place in Malheur County, Oregon. That said land includes among other land the Northwest Quarter of the Southwest Quarter of Section 35, Township 25, South, Range 46 E.W.M. That Lizzie Phipps, located on this land and diverted water from Carter Creek and applied it to the above described land. That the point of diversion on Carter Crook is approximately 360 yards in a northeasterly direction from the Southwest corner of said Section 33, Township 25, South, Range 46 E.W.M. The aitch runs about 80 yards north and then east and west and irrigates said 27 acres. That I know of my own knowlodge that said land has been continuously irrigated since that date, and that said lands were in such condition that affiant can sayfrom his observations that said lands had been irrigated for several years prior to my first acquaintanceship with said land.

Subscribed and sworn to before me this 13th day of

march 1954.

Notary Public for Oregon

My Com. Expires:

NOTARY THREE CONTROL OF THE AMERICAN PLANTS AND ADDRESS OF THE AMERICAN PROPERTY AND

County of Malheur

Inst. No. 8385

I certify that the within instrument of writing was received for record on the day of May

of May

1. SACKETT, County Clerk

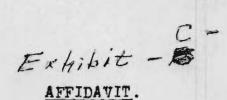
By: Manney Tours Deputy

RECEIVED

JAN 0 4 1993

WATER RESOURCES DEPT. SALEM, OREGON

(40)



COUNTY OF CANYON.

San Maria

FRANK M. MULLINIX, of Rockville, Oregon, being first duly sworn, deposes and says:

That he is the same person who, on Feb. 17, 1915, executed and delivered to Andrew Greeley a warranty deed for the Northwest Quarter of the Southwest Quarter of Section Thirty-three (33), and the Northeast Quarter of the Southeast Quarter of Section thirty-two (32), Township twenty-five (25) South of Range forty-six (46) East of the Willamette Meridian.

That twenty (20) acres of said Northwest
Quarter of Southwest Quarter of Section 33 has been
irrigated with the waters of Carter Creek since the
year 1887, said water being diverted from said creek
at a point at or near the southwest corner of the
Northwest Quarter of the Southwest Quarter of said
Section 33. That Lizzie Mullinix, whose name was
afterward Lizzie Phipps, the mother of this affiant,
commenced to water said land with the waters from said
Carter Creek in the year 1887, at which time she had
a timber claim on said NWt of SWt of Section 33, and
that she continued to so irrigate said land with said
water during every year until about the year 1903, at
which time this affiant made a homestead entry on
said land and other land, and every year since said
date this affiant has irrigated said twenty acres of
said NWt of SWt with the waters of said Carter Creek
diverted at the point above mentioned. That said 20
acres above referred to is approximately the East 20
acres of said NWt of SWt; that the crops raised were
wild hay, alfalfa hay and grain.

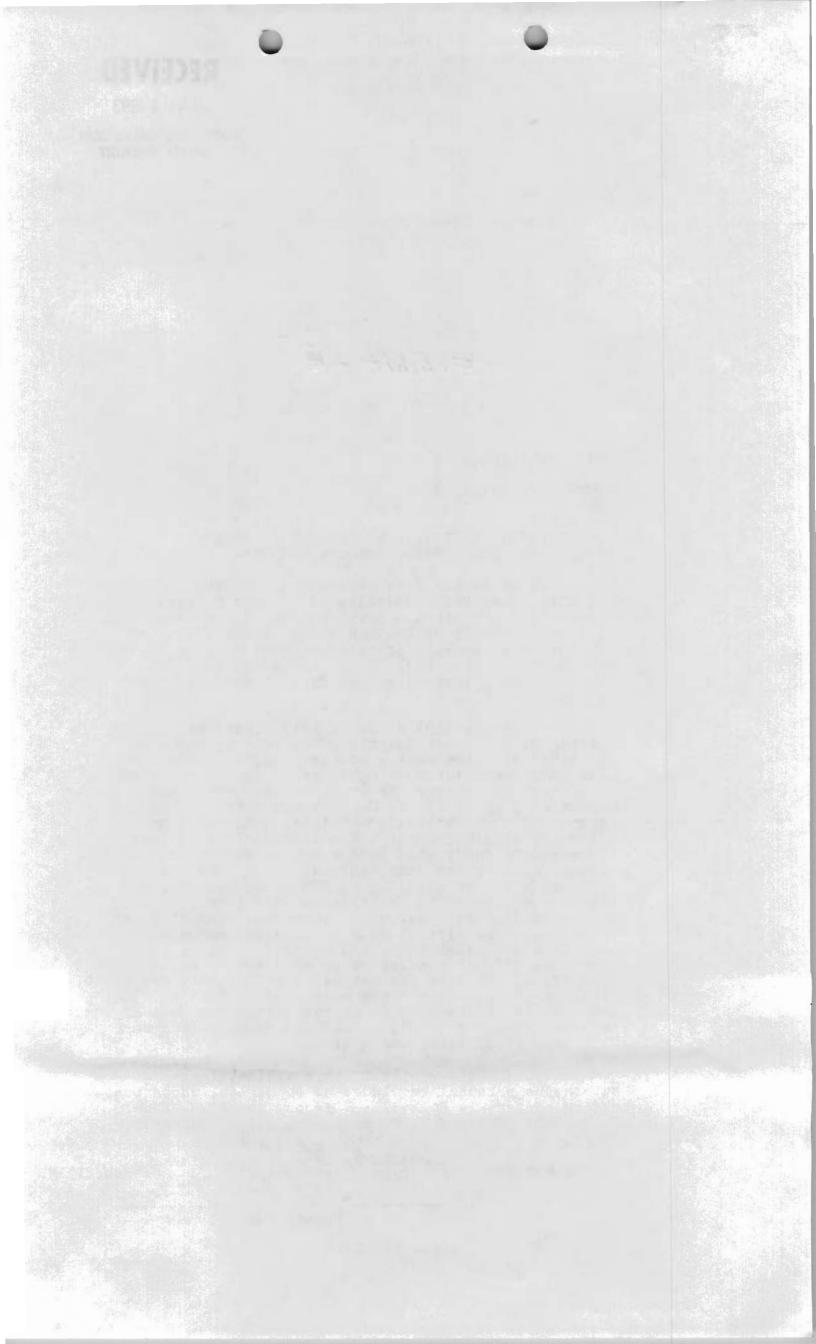
That the facts stated in this affidavit are within the personal knowledge of J. M. Lam, whose post-office address is Rockville, Oregon, and A. S. Moss, F. P. Ball, Sr, and F. P. Ball, Jr, all of Caldwell, Idaho.

Subscribed and sworn to before me

Water Bullium

d7th day of Feb, 1915.

Notary Public.



AFFIDAVIT.

Exhibit-D-

RECEIVED

JAN 0.4 1993

WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON,) ss.

E. F. BALTZOR, of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That I moved to the vicinity of the above described land in the year 1885, and during the years 1886 and 1887 I lived on said land and farmed the same; that during those two years I irrigated and had in cultivation a strip of land, on the land above described, comprising about fifty-five acres; that said fifty-five acres was partly on the West side of Carter Creek and partly on the East side thereof, and that said strip of fifty-rive acres extended in a Northeasterly direction through said land. That during said two years I grew wild hay on said fifty-five acres and had sufficient water to irrigate all of said crop.

That said irrigation water was secured from two ditches, both taking water from Carter Creek, in the Northeast quarter of Section 18, in said Township and Range, and at a point just a little West of the East line of said Section 18. That one of

said ditches diverted water from the West side of Carter Creek and the other diverted water from the East side thereof. That the same land had been irrigated before I farmed it and the two irrigation ditches which I have above described were there when I came to the land, and apparently had been there and had been used for the irrigation of said land for three or four years before I farmed it.

That I personally visited said land in April, 1925, and found that the channel of Carter Creek had changed and that said Creek was now running down the East ditch of the two ditches which were there when I farmed the land, and that the water was flowing through the Vest ditch in the same channel that it flowed when I was farming the land.

Further affiant saith not.

& Fi Ballzor Subscribed and sworn to before me this 22nd day of

(A) 数字的特色型 (A) 数字 (A) 多字

, 1925.

TO THE ONE ON SECTION

Residing at Jodan Valley Oregon.

在设施指一年

BOOM 92 PAGE 422

Exhibit - E-

AFFIDAVIT

RECEIVED

JAN 0 4 1993

STATE OF IDAHO) ss.
County of Canyon)

WATER RESOURCES DEPT. SALEM, OREGON

O. J. RAMSEY, after being first duly sworn deposes and says:
That he was formerly a resident of Malheur County, State of Oregon and first came to Malheur County, Oregon in the year 1881 and owned property in the vicinity of certain lands as hereinafter described; that affiant resided in Malheur County for about forty (40) years thereafter and is now a resident of the City of Nampa, County of Canyon, State of Idaho at 208 11th Avenue North.

TRACT NO. I

That the following described property as generally described is hereinafter referred to as Tract I and consists of land on the East side of the W. E. Carlton place and aggregates a place of about 37 acres in Township 26 Range 46 South of the Willamette Meridian in Malheur County, Oregon.

TRACT NO. II.

A tract of land as generally described is hereinafter referred to as Tract II and is generally described as the Frank E. Mullinix place in Section 33, Township 25 Range 46 South of the Williamette Meridian in Malheur County, Oregon, aggregating 27 acres of land.

That as to the property which is hereinabove referred to as

Tract I affiant says and relates that when he first came to Malheur

County in 1881 That wild meadow hay was being cut and harvested

on this tract of land and as affiant recalls it, there was about

35 acres of meadow land and same was watered and irrigated by

what was then known as Spring Creek and was irrigated by two ditches

and the said ditches were just South of the meadow about 100 feet

from the South end of the meadow and that Spring Creek ran through

this land and this land was then located on the West side of the

Creek and at that time affiant recalled that the land described

as Tract I was occupied by a person named Frank Leonard and affiant

Page 1.

KIBLER & BEEBE LAWYERS NAMPA, IDAHO

\$:25 EM ZG 1009

knows and recalls that said land was then being irrigated by

subsequently a Mrs. Phipps moved on this land in the year 1885 or government land occupied by squatters but affiant recalls that first came to Malheur County, Oregon this land was apparently That as to the lands described as Tract II when affiant water supplied through ditches from Spring Creek.

of the South line of the meadow with water entering the ditch a ditch and the source and head of this ditch was 100 yards South Mullinix and that the land described as Tract II was watered by 1886 and that this lady was the mother of Frank and Clarence

ditch as then located and constructed patches of wild meadow hay from Carter Craek and from this source of water and through the

stated herein. were raised on this place with water supplied from the source as

Further affiant sayeth not.

Enword. 6.0

SUBSCRIBED and SWORN To before me this 21st day of April, 1953.

rument of writing was received for

Inst. No.---

18608

Motary Public for Idaho Residence: Wampa, Idaho

marky Deputy

Thy luminement Experient

it aidliw eth in il villian

SS STATE OF CREGON

County of Malbour

сьмуєве Мамра, Ірано KIBLER & BEEBE

RECEIVED

JAN 0 4 1993

WATER RESOURCES DEPT. SALEM, OREGON

. . .

Exhibit-F-

AFFIDAVIT.

STATE of IDAHO, COUNTY of CANYON,

THOMAS WAITE, of Caldwell, Idaho, being first duly sworn, deposes and says:

That he is the same Thomas Waite who received U. S. Patent for West Half of Southeast Quarter, the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section thirty-three (33), Township twenty-five (25) South of Range forty-six (46) East of the Willamette Meridian, in Malheur County, Oregon. That he actually resided on said land continuously from the year 1850 until the year 1897, except for a period of about two years beginning about the year 1856, or 1887, during which time said land was occupied by Otto Geise.

That he is well acquainted with all the circumstances surrounding the building of what is known as the Rose and Waite ditch which furnishes irrigation water for the above described land and other land. That said ditch was built by this affiant and by W. A. Rose about the year 1881; that said ditch heads at a point on Succor Creek located near the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 3, T. 268R 46 EVM, being the land owned by T. B. Ramsey; that from said point of beginning said ditch was built diagonally northwest through said SW4 of NW4 and continued in a northwesterly direction and intersected the SW4 of SE4 owned by Thomas Waite, and the SE4 of SW4 owned by M. H. Dryden, and the NE4 of SW4 owned by Thomas Waite, and then proceeded in a northerly direction through the land of W. A. Rose; that said ditch is now at the same location as when it was originally constructed; that said ditch was built for the purpose of irrigating and was actually used for the purpose of irrigating all of the above described land of this affiant which lies west of Succor Creek, and also all of the land of said W. A. Rose which lies west of Succor Creek, said land of W. A. Rose being the

May of Section 33, Township SS South of Range 46 Fast Name of the Wallamette Meridien; that a part of both of of of the of the welliam; that a part of band and irrigated from said and ditch and that this affiant and said w. A. Rose proceeded as rapidly as possible to put all of said land under irrigation, and within about two years afferwards all of said land was irrigated from said afterwards all of said land was irrigated from said ditch.

That this affisht is acquainted with the irrigation ditch known as the "MAMSEY DITCH", which diverts water from Succor Creek at a point near the center of Section 3, Township 26 South of Hange 46 E. W. M, in Malheur County, Oregon; that said Ramesy ditch was constructed so as to cross the Rose and Waite ditch was at the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of the said Section three at a point about twenty yards below said Section three at a point about twenty yards below said Section three at a point about twenty yards below said ditch was built by T. Fearsey for the purpose of translating part of the land of said T. B. Ramedy; that irrigating part of the land of said sitch was constructed for the purpose of irrigating about thirty-five (35) acres of the purpose of irrigating about thirty-five (35) acres of the land of said ing about thirty-five (35) acres of the land of said ing shout thirty-five (35) acres of the land of said ing shout thirty-five (35) acres of the land of said ing shout thirty-five (35) acres of the land of said ing shout thirty-five (35) acres of the land of said.

Said Ramsey ditch was constructed about the said Ramsey year 1881; that the said Rose and Waite ditch was completed and rest time the said Rampleted in the year 1881 prior to the time the said Ramber of the time the said said said delivered to and upon the land of this afficut and said W. A. Rose prior to the time the said Ramsey ditch was completed. That water was furnished for the T. B. Ramber period out of the Rose and Waite ditch for a period set land out of the Rose and Waite ditch for a period before the Ramsey ditch was completed; that in the year 1881 said Ramsey ditch irrigated about titteen (15) acres of the said T. B. Ramsey land.

That at the point where said Remsey ditch crosses the Rose and Waite ditch, the Remsey ditch conveys its water over and above the Rose and Waite ditch by means of a wooden flume; that the water of said Ramsey ditch has at all times been conveyed across the Rose and Waite ditch by means of said flume, and that said flume has at all times been constructed and maintained at the axpense of the owners of the Ramsey ditch.

Subscribed and sworn to petore net this 26th day of June, 1915.

(Se al)

Notary Public:

358 Exhibit - & RECEIVED Wind Rouge AND 4 93

Willamette Meridian, Oregon.

WALER RESOUR ES DEPT SALEM, OF EGON

mountainnes land consists of the usual 2d and 3d rate. Soil, Black and yellow sage being generally for thereare, a good growth of brush grace is found on the hills, and rye, wire it will hay grass in bottom lands. The average elevation of even bottoms, above sea level is 3950 ft. barometrical measurement. Note. Recides The applicant for the survey of this Jp. J.J. Carter the following settlers were found therein with improvements estimated as follows; Chas albert in Dees, 22+23. House in seg 18. improvement 200 improvements \$ 800,00 S.J. Whiten burgin de martin Chrisman in les. 5. improvements 600 14+15, empronemente \$1200.00 - Rentail in Sec. 8, 2. A. Galis in Dec. 3, improvements \$ 250, improvements \$ 1200,00 Hm Junel in Dec. 8. This. B. Ramsey in Dees 3 94 improvements 500. improments 1600,00 Total \$5350.

Quedicisions of T. 26 Sunt R. 46 Cases CEIVED JAN 0 4 1993 Exhibit-G-WATER RESOURCES DEPT 此 Land hely. SALEM, OREGON Doil average, 3d rate, uide res 6 Scattering black sage and greasewood, Scattering brush 132 0 x 4 grass. July 27"1882. with on dug General Description cor, The eurface of this Ip. varies from leet level to hilly, a very small portions y being mountainers. Considerable battom ction land is found along banks of Carter, Duces Spring and Sucker creeks, except ito 5 where the latter flows through the v 24. canyon in Secs. 35 426, The bottom land is mostly alluvial of rich, capable of

producing vegetables and good

crops of the common creats, being

practically proven in fulds of grain

standing at time of survey. The hilly and

15/2 20

mp-

Exhibit -G- REGELYET Subdivisions of T. 26 & R. 4 GAN 64 1993
Williamette Meridian, Oregon. North Outrue line bet bees 475 Shrough gramfield of fleaster 21,00 Hagon road beaux 87 H. From this point 001508 ourse Cf 20 6 dwelling house of If learter bears & 8471 about wocho distables Shedo contiders Corralo Ele adjoining 4000 Det brook Store 10 x 14x 9 10 ins in ground for 14 See cor mained 14 on I face duy a ground for pilo 18x18x12 in Ct 90 of cor, 512 ft dist and face dug pili raised mound of Earth 12 ft high 3/1 ft dist and base alongsi de 4 high 8/2 fl 55.35 Carter Creen y les wide flows 4408 Leave needow of ff loader 80,47 Suterest Chody of of 22 las & of Cor to Sees 32738, which is a traf Stow 16 x10 x8 marker oil Sandy with 4 nother one 12 notete out and Ile on ed. 8 state V. Edges pils dug UE .TH ofen at intersection of live let trup ! Hour 15 x 10 x 5 10 ins grass in ground for costs secs 475 mans dwith 4 notehis one 72 notehis on It and le 6. m d. face duy pili 18 x 18 x 12 in S. ET If of cor and ruised mound of

Land mostly rolling. Doil sandy

4.3.52	Exhibit -G-	Suz	division
	Willamette Moridian, Oregon.		
W ran	ised mound of earth 1/2 fo high		6. m
31/2	fr. base alongsides		5 an
	me bears S. 650\$, born. correls,	40,00	Set to
	es adjoining diet about \$5,00 chs.		Sutt
· ac	68/206. about som che diet.	61.00	barti
10	+ trap stone 14 x 8 x 6 mis 10	la sa	mead
	s in ground for less. to sees	79.22	Jule
	6.7 and 8. marked with 5		cor.
n	tehes on I. and E. edges. duy		71.89
pi	to 18x 18x 12 ins in each dec.		Jan
	e fr dist. raised mound of with 2 fr high 41/2 fr base	39. 300	Set
	ongride.	· 1, · 4.	in
	ud hilly, Soil sandy and		44 on
	Tony. 3ª rate.		ino s
	clark and yellow sage.		raise
	much grass. RECEIVED		hip
E TO THE PARTY OF	JAN 0 4 1993	19.22	The
	WATER RESOURCES DEP SALEM, OREGON		Lau

.

Exhibit -G-Sufairiscions of T. 26 January R. 46 East
Willamette Meridian, Oregon. 6. on random live bes spece EVE 1/2 fo high 5 and P. JAN 0 4 1993 tenlugo WATER RESOURCES SALEM, OREGON 4000 Det temp. 114 Sec. Bo. . correls, ms 35,00 cho 56.50 Scettlement wagon wad bears Mr. H. bears 61.00 bartes creek 11 eks wide flows 1206. det. thence through grain field and meadow of J. J. Caster. 6 ws 10 79.22 Intersect n. M. line 74 ers. N. of to sero with 5 Con to Dees. 4.5. 8 + 9. ges duy n. 890 28 W. on true line bet. Sees ach See, Jand 8. Var 19426. red of 39, 50 Set trap atono 12 × 10 × 8 ins 8 ins base in ground for "4 Dec. Con marked ay and 44 on n. face. dug pits 18x 18 1 12 ins 8. H. of stone 51/2 ft. dest. raised mound of earth 1/2 ft. a saye. high 372 ft, base alongull. 19.22 The lev. to Dres. 5,6. Yand 8. Land rolling to Caster creek

Exhibit-G-Subdivisions of 7.26 & R. 46 STETVE JAN 0 4 1993 North Ou True line bet Sees 37 of WATER RESOURCES 4 000 Set trapstone 12 x10 x5 que inground for 14 dec Cor marked 14 on It face dug fili 18 x 18 x 12 in ct. 75. of cor 51/2 ft dist and raised mound ct Gates of Barth 1th fl high 3 /r ft base alongride 41 00 Settlement magon road beauty 0° & C+3074 55.00 Enter grain field of \$13. Ramery From this point frame dwelling house of Thomas B. Rausey braus HOSE about 6,00 Oho dist. Barn Corrals Ele adjoining fents 76.00 Sucker Creek 11 lks wide flows ct. 650%. 80,56 Suterest Abdy of Sp 75 las & of Standard Cor. to Sees 88784 which is a trap Stone 12xxx 8 final Set in ground marked with 3 restely on &TH sales 77 72000 and slo on ch face pils dug & A. Tet of cor at re dug point of intersection dettrap stone 15 x 10 x 8 10 mm dut Hhigh inground for closing corts Secs 874 marked with & notates on & THE dge and 66" out face and dug pils & H. Yo of cor. or It dist and et 2 trate ruised mound of Bank 2 Hhigh Sft ore Creek base alongside

Subdivinin 97.268 R.46 8333 E North Bet dees 8 49 Through rich follow land 9716 of Spring and leaster lovers 500 Settlement Hagon road Connect 3024 en to 4000 At trap Stone 14 x12x5 10 in inground for 190. 14 See Cor, marked 14 on H. face dug pilo feor to sees 18x18x12 in Ut & of live 5 12 ff deil raised mound of Eart 1/2 It high 31/2 It base alongaide ground Spring ever y los wide flows it 30 % 45,50 ct 20% There face duy 72,51 through gramfield and meadow of The fedier flearles LImft high Set traf Store 12 x 10 x 6 quis in ground for Costo Sees 4, 5,879 marked with 4 noteties on & To notehis on & Edges and dug polo. il Sandy 18x18x12 in Each See 5/r fldist and raised neoned of Eart 2ft high off base alougside rood+ Land level - Soil alluvial and rich petrate. Hillow on Spring creek. Rye and blue grass Hild clover Timothy

