

JAN 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE WATER BOARD OF OREGON

Water Division No. 1, Klamath County

In the Matter of the Determination of the Relative Rights
to the Waters of Anna
Creek and its tributaries, a
Tributary of Wood River

STATEMENT AND PROOF OF CLAIMANT.

Anna Creek Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,
County of Klamath } SS.

Don J. Zumwalt of Klamath Falls Oregon,
being called as a witness in support of this Statement of Claim, and being first duly sworn, testified
as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

A.— Above Wicks
Wad, California

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant
upon the back thereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?
If from a tributary, give its name.

A.— Above named stream

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream
is based?

A.— Irrigation
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Construction of ditch & use of water
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right? A.— May 1891

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

A.— An organization of irrigator was formed
and an attempt made at incorporation. Ditch was
constructed and water used for irrigation

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1892

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A.— Anna Creek Ditch

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.—*Some Wood claims water for 190 acres out of approximately 1700 acres*

10. Q.—State the date of the beginning of construction. A.—*1891 or 1892*

11. Q.—State the date of completion? A.—*Unknown*

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate?

A.—*Dimensions irregular: approximately as follows*

A.—Width (top) *10* feet, width (bottom) *10* feet; depth *1 1/2* feet; grade, or fall in feet per 1000 feet, *1.0* feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A.—*No*

First enlargement—Width (top) _____ feet; width (bottom) _____ feet; depth _____ feet; grade, or fall per 1000 feet, _____ feet.

Second enlargement—Width (top) _____ feet; width (bottom) _____ feet; depth _____ feet; grade, or fall per 1000 feet, _____ feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate? A.—*1700* acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year?

A.—*Approximately 1700*

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.—*1700*

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—

18. Q.—Give the number of acres irrigated under said ditch at the present time in each small legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<i>33</i>	<i>7 1/2</i>	<i>32</i>			<i>20</i>		<i>40</i>	<i>40</i>	<i>20</i>									
"	"	<i>29</i>										<i>40</i>						<i>20</i>
"	"	<i>30</i>																
"	"	<i>31</i>	<i>10A</i>															

19. Q.—State the character of the soil and kind of crops cultivated?

A.—*Prime loam*

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18. Q.—State the character of the soil and kind of crops cultivated?

A.— Prime Loam

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A.— From May to August for Hay - to Oct for Pasture
Practically all the year for stock

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A.— 40 of one second foot per acre

*22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

A.— Yes

**23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horse power developed.

A.—

24. Q.—Describe the nature of the works by which the power is to be developed, the place where located, and state whether the water is returned to the stream after use and at what point?

A.—

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point?

A.—

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A.—

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A.— As in answer to #18 with other lands.

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A.— Owner

29. Q.—Name at least three witnesses who will substantiate the statements herein made by you? Give their postoffice addresses.

A.— James Pelton - Ft. Klammath, L C Sizmore
W. Mulhore - Klammath Falls

30. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.)

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I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

Don J. Zumwalt
Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 16th day of June 1914

James T. Hinrich
Superintendent of Water Division No. 1 of State of Oregon.

Filed: June 16th 1914

Fees paid: June 16 - \$20.50

James T. Hinrich
Superintendent, Water Division No. 1, State of Oregon.

*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

**Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second).

AUTHORIZATION OF AGENT.

I, Abner Weed of Weed
State of California, do hereby make and appoint Don J. Zumwalt
of Manhattan Falls Oregon, my agent

and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

Abner Weed
Signature of Claimant.

Signature of Claimant.