

JAN 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

ESPANISH

Count

In the Matter of the Determination of the Relative Rights
 to the Waters of _____
 _____ and its Tributaries,
 a Tributary of _____

ANNEXED

STATEMENT AND PROOF OF CLAIM

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

Fort Klammath

I, the undersigned, of _____, Oregon, being called as a witness in support of this statement of claim, and being first duly sworn, testify 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.— **Meadows Drainage District, an Oregon quasi municipal corporation, post office address, Klammath Falls, Oregon.**

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

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.— **yes**

3. Q.—What is the nature of the right of use on which this claim is based? **Based upon use, and findings of fact and law of final determination of State Water Board, and decree of Circuit Court of Klammath County, Oregon, being Equity No. 690, filed June 1, 1915**

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

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

A.— **By appropriation and use since 1891**

5. Q.—State the date of the initiation of such diversion water right. A.—

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.— **Construction of the Anna Creek Ditch in 1891**

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

A.— **1891**

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.— **through the Anna Creek Ditch**

9. Q. State the interest claimant has in such ditch, with the names of any other water users interested therein. **Applicant has 2.38 second feet of water. Other water users interested therein are E. Denton, James Pelton, Horace Pelton, Meta M. Pelton, W. C. Sanderson, Abner Weed**

[Proof No. 35]

For Original Proof of Claim, see Vol. 1, page 157

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

A.— **Volcanic ash formation. Hay & grass crops**

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.— **begins about the first of May and closes about the middle of October**

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.— **2 1/2 acre feet per annum**

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?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, preferably on a scale of four inches to the mile (20 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.

A.— **yes**

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

NOTE—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).

A.— **not used for power**

24. Q.—Describe the nature of the works by which the power is 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.— **not used for mining**

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.— **20 acres in NW 1/4, SE 1/4 NW 1/4 Section 32, SW 1/4 SW 1/4 Section 29, SE 1/4 SE 1/4 Section 30, and 10 acres in NE 1/4 NE 1/4 Section 31, all in Township 33 South, Range 7 1/2 East, W. M., Clatsop County, Oregon.**

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

A.— **sole owner**

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

A.— **We refer you to the Findings of Fact and Order of Final Determination referred to under question 3, which was followed by Decree of the Court.**

(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.)

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

W. K. Brown
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 26th day of October, 1929.

[or] ~~Notary Public~~
Notary Public for Oregon.
My commission expires

AUTHORIZATION OF AGENT

~~MEADOWS DRAINAGE DISTRICT~~, a municipal corporation of ~~Klamath Co.~~,
Oregon

State of, do hereby make and appoint
W. K. Brown, of Fort Klamath, Ore., my agent
and attorney for me and in my name, place and stead, to make and submit the within Statement
and Proof of Claim.*

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.

~~MEADOWS DRAINAGE DISTRICT~~
By *W. K. Brown* President
By *E. L. Davis* Secretary
Signature of Claimant.

* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for him
in the proceeding after the filing of this claim.

Filed,, 192.....

Fees paid:

Irrigation acres, \$.....
Power, H. P., \$.....
Other use,, \$.....
Recording certificates, .. \$.....
Total, \$.....

State Engineer.

RECEIVED

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