

JAN 04 2008

WATER RESOURCES DEPT  
SALEM, OREGON

# BEFORE THE STATE ENGINEER OF OREGON

FILE NUMBER

Count 1

In the Matter of the Determination of the Relative Rights  
to the Waters of Anna Creek,  
and its Tributaries,  
a Tributary of Agency Lake

## STATEMENT AND PROOF OF CLAIM

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

I, the undersigned, of West Klamath, 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, Klamath 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 or use on which this claim to the waters of said stream is based?

A.— Based upon use, and findings of fact and Order of Final Determination of State Water Board, and Decree of Circuit Court of Klamath County, Oregon, being County No. 890, filed June 1, 1915.

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

A.— By use since 1891.  
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 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.— 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 Felton, Meta H. Pelton, W. C. Sanderson, Abner Weed.

JAN 04 2008

WATER RESOURCES DEPT  
SALEM, OREGON

10. Q.—State the date of the beginning of construction. A.— 1891  
 11. Q.—State the date of completion. A.— 1892  
 12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.  
 A.—Width (top) various feet; width (bottom) various feet;  
 depth various feet; grade or fall in feet per 1,000 feet, various 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 enlargement  
 First enlargement—Width (top) -- feet; width (bottom) -- feet;  
 depth -- feet; grade, or fall per 1,000 feet, -- feet.  
 Second enlargement—Width (top) -- feet; width (bottom) -- feet;  
 depth -- feet; grade, or fall per 1,000 feet, -- feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— 1640 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.— 1640

16. Q. How many acres were irrigated each subsequent year up to and including the present year? A.— 1640

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 smallest 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				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	7	32					X	X		X									
		30	x (ten acres)																
		29								X	X							X	
			This is the land irrigated by applicant																
			Yield of ...																

Total 210

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JAN 04 2008

WATER RESOURCES DEPT  
SALEM, OREGON

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

A.— Volcanic ash formation. Hay and 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.— 00 --

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

A.— NE 1/4, SE 1/4 Section 32, S 1/2 SW 1/4, SE 1/4 SE 1/4 Section 39 and 10 acres in NE 1/4 Section 30, all in T. 33 S., R. 7 E., N. E.

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.

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JAN 04 2008

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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 5th day of January, 1929.

*R. S. [unclear]*

~~State Engineer~~

[lost]

Notary Public for Oregon.

My commission expires Sept. 11, 1931.

AUTHORIZATION OF AGENT

Meadows Drainage District, a municipal corporation of Klamath Co.,  
State of Oregon, do hereby make and appoint  
W. K. Brown, of Fort Klamath, Oregon, 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* Pres.

By *E. L. Davis* Sec.  
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, Jan 9, 1929.

Fees paid: (*See other claim*)

Irrigation ..... acres, \$.....

Power, ..... H. P., \$.....

Other use, ..... \$.....

Recording certificates, .. \$.....

Total, ..... \$.....

*Rhea Super*

State Engineer.

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JAN 04 2008

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BEFORE THE STATE ENGINEER OF OREGON


KLAMATH COUNTY

In the Matter of the Determination )	
of the Relative Rights to the Waters )	MOTION BY MEADOWS DRAINAGE
of Anna Creek, and its Tributaries, )	DISTRICT TO FILE AMENDED
a Tributary of Agency Lake. )	PROOF OF CLAIM NO. 35

Comes now the Meadows Drainage District, a municipal corporation of the State of Oregon, and, pursuant to the direction and suggestion of the State Engineer, at the hearing upon the adjudication of the waters of Wood River, Seven-Mile Creek, Crane Creek, Four-Mile Creek, and other streams tributary to Agency Lake and Upper Klamath Lake, that an amended proof of claim be filed in said proceeding in the place and stead of Proof of Claim No. 35, which was filed herein by said Meadows Drainage District, on or about January 5, 1929, and hereby respectfully submits and offers for filing the attached AMENDED STATEMENT AND PROOF OF CLAIM NO. 35, and asks that the same be filed and take the place of the original PROOF OF CLAIM NO. 35 heretofore filed herein by this applicant.

This AMENDED PROOF OF CLAIM is made for the reason the description of the lands given in the original statement and proof of claim embraced in the decree in Equity 690 was incorrect, and the said description as given in this AMENDED PROOF OF CLAIM is correct, and conforms with the description in said Findings and Decree in said Equity cause No. 690.

Dated this 28th day of October, 1929.

  
 Attorney for Meadows  
 Drainage District.

For Original See Vol. 1, page 157