

JAN 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

STATE Count 5

In the Matter of the Determination of the Relative Rights
to the Waters of Wood River
.....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 Fort 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, Wood River,

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

5. Q.—State the date of the initiation of such water right. A.— 1890 and 1910.

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.— By the construction of canals and various ditches and the application of the water to the soil. *Construction 3-2-1910*
East - 1910

7. Q.—When was water first used for irrigation, or other beneficial purposes?
As to 25 second feet above, irrigation season of 1890,
A.— and as to balance, 1910.

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.— By the Wood River Canal, the North Canal, and a system of laterals and branch ditches from these.

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

A.— Sole owner.

[Proof No. 38]

JAN 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

CLAMANT

Count 3

In the Matter of the Determination of the Relative Rights
 to the Waters of Wood River
 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 Fort 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, Wood River,

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

A. As to 25 cubic feet per second, diversion and use with a priority date of 1890, and continual use since; as to 185 cubic feet per second, being the balance embraced in Application No. 488, Permit No. 309, and 1.25 cubic feet per second, under Application E1137 and Permit E81, to be diverted through the Loosely Ditch which takes out from Wood River, by appropriation in 1910 and continuous use of a large portion of this since, the construction of canals sufficient to carry the entire amount, and progressive development to date.

A.— By the construction of canals and various ditches and the application of the water to the soil. *Permit No. 309 - Jan 26, 1910*
E-1137 - Dec 15, 1910

7. Q.—When was water first used for irrigation, or other beneficial purposes?
 A.— As to 25 second feet above, irrigation season of 1890, and as to balance, 1910.

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.— By the Wood River Canal, the North Canal, and a system of laterals and branch ditches from these.

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

A.— Sole owner.

[Proof No. 28]

10. Q.—State the date of the beginning of construction. A.— 1890.

11. Q.—State the date of completion. A.— Not yet completed

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

Main Canal. A.—Width (top) 40 feet; width (bottom) 30 feet; depth 5 to 6 feet; grade or fall in feet per 1,000 feet, .3 of 1 foot.

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.— 16,961 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.— 1500 to 2000 acres.

16. Q. How many acres were irrigated each subsequent year up to and including the present year? A.— Approximately 12,000.

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

A.— No enlargement.

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					
			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		
34	7 1/2	3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		15	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		21	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
		29	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
				32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
				33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
				34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		35	7 1/2	3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
				4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
				5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

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

A.— Peat and volcanic ash. Hay and grass

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 1st of May and ends 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.— Sections 3 to 11 inclusive, Sections 14 to 17 inclusive, Sections 20 to 29 inclusive, Sections 32 to 34 inclusive, all in Township 34 S., R. 7 1/2 East, W. M., and Sections 3 to 5 inclusive in Township 35 S., R. 7 1/2 East, W. M.

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.— none.

(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 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.

[Signature]

~~State Engineer~~

[or]

Notary Public for Oregon.

My commission expires Sept. 11, 1931

AUTHORIZATION OF AGENT

Meadows Drainage District a municipal corporation, of Klamath County, of

State of Oregon, 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 Dist.

By W.K. Brown Pres

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 Lupes

State Engineer.