

JAN 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

In the Matter of the Determination of the Relative Rights
to the Waters of Wood River, Crane Creek,
Seven-Mile Creek and Four-Mile
Creek, and its Tributaries,
Tributaries of Agency Lake.

STATEMENT AND PROOF OF CLAIM
Permit No. 4791

(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 streams or a tributary thereof? If from a tributary, give its name.

A.— Yes, to Four-Mile Creek, Seven-Mile Creek and Anna Creek Slough, See permit No. 4791.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based? Application No. 7533, Permit No. 4791 issued to Fort Klamath Meadows Co., a California corporation, and by diversion, and beneficial use for irrigation of said waters.
(Irrigation, domestic, stock, etc.)

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

A.— Appropriation, diversion and use, as per Permit No. 4791.
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— Sept. 13, 1920.

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.

The construction of the West Canal 30' wide on bottom, 5' deep, side sloper 1 to 1, with a grade of 1' per mile, constructed from a point west line of section 6-34-7 $\frac{1}{2}$. thence S along W side of

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

A.— Irrigation season of 1920.

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.— This is answered under Number 6.

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

A.— Applicant is sole owner of said ditches and works.

[Proof No. 20]

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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, to Four-Mile Creek, Seven-Mile Creek and Anna Creek Slough, See Permit No. 4791.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based? Application No. 7533, Permit No. 4791 issued to Fort Klamath Meadows Co., a California corporation, and transferred to applicant and by diversion, and beneficial use for irrigation of said waters.
(Irrigation, domestic, stock, etc.)

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

A.— Appropriation, diversion and use, as per Permit No. 4791.
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5. Q.—State the date of the initiation of such water right. A.— Sept. 13, 1920.

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.

The construction of the West Canal 30' wide on bottom, 5' deep, side sloper 1 to 1, with a grade of 1' per mile, constructed from a point near center of west line of Section 6-34-7 $\frac{1}{2}$, thence S along W side of said range to a point on the west line of Section 30-34-7 $\frac{1}{2}$, and from said West Canal water has been diverted directly onto part of the land and to other portions by carrying the water through the old Four-Mile channel. West West Canal of claimant intersects and diverts the waters of Seven-Mile and Four-Mile and a connection has been made with the North Canal which delivers the waters of Anna Creek Slough into the said West Canal, together with numerous small distributing ditches.

Commonly known, if a ditch is used.

A.— This is answered under Number 6.

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

A.— Applicant is sole owner of said ditches and works.

[Proof No. 20]

10. Q.—State the date of the beginning of construction. A.— In the spring of 1920.

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. This answered in No. 6.

A.—Width (top)feet; width (bottom) feet;
depthfeet; grade or fall in feet per 1,000 feet,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.— 9,318.39 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.— About 500 acres.

16. Q. How many acres were irrigated each subsequent year up to and including the present year? A.— Approximately 2000 acres. The extension of a large portion of this land under this application has been involved in litigation which prevented its reclamation, and consequently its irrigation. This litigation is now settled and the original plan of reclamation and irrigation will be pursued.

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
34	7½	18	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
34	7½	19	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
34	7½	30	x	x	x	x	x	x	x					x	x	x	x	
34	7½	31	x	x	x	x								x	x	x	x	

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Total 2080 acres.

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

A.— The soil is peat, and the crops are 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 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.— Approximately 2½ 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.— It is 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.— It is 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.— All of Secs. 18, 19, 30 and 31- T.34 S., R. 7½ E.; All of Secs. 6, 7, 8, 17, 18, 19, 20; NW¼, NE¼ Sec. 30; NE¼ NW¼, SE¼ NW¼, NE¼ Sec. 29; NW¼ NW¼ Sec. 21; SW¼ SW¼ Sec. 16; W¼ SW¼ and NW¼ and NE¼ Sec. 9; NE¼ NW¼ Sec. 10; SW¼ SE¼ and S¼ SW¼ Sec. 3; S¼ S¼ Sec. 4; S¼ S¼ Sec. 5, containing in each of 1 Sec. 40 acres. Lot 3 Sec. 3; Lot 1 Sec. 10; Lot 2 Sec. 10; Lot 2 Sec. 9; Lots 3 and 4 Sec. 9; Lots 1, 2, 3 and 4, Sec. 16; Lots 1, 2, 3 and 4, Sec. 21; Lot 1 Sec. 29; Lot 4, Sec. 29; Lots 1 and 2, Sec. 30, all in T. 35, S., R. 7½ E., W. M. containing in all 9318.39 acres.

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.— This statement and proof of claim is made pursuant to the call subject to the stipulation or agreement signed between applicant and other applicants for waters of Blue Springs. It is also made subject to Permit No. issued by the State Engineer October 12, 1920 wherein the predecessor of the applicant was given 116.49 cubic feet per second of waters of said stream.

(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]
~~Notary Public for Oregon~~

Notary Public for Oregon.

My commission expires Sept. 11, 1931

AUTHORIZATION OF AGENT

Meadows Drainage District, a municipal corporation of Clatsop 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.

(initials)

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:

Irrigation 360 acres, \$ 28.00

Power, H. P., \$

Other use, \$

Recording certificates, 3 \$ 3.00

Total, \$ 31.00

Receipt No. 9556

Rhea Luper

State Engineer.